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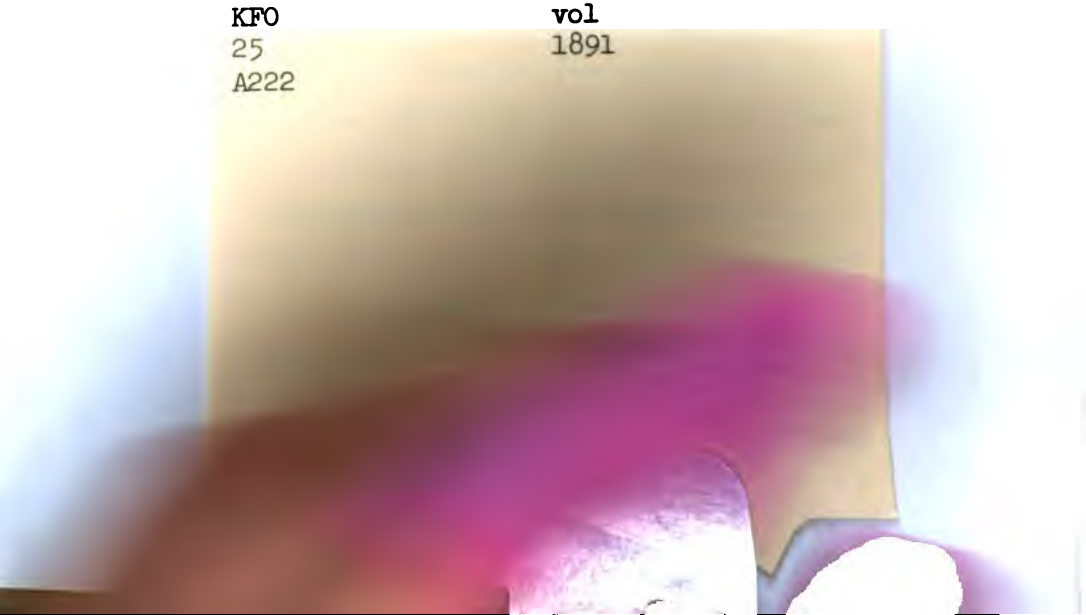

# THE STATE OF OHIO:

# GENERAL AND LOCAL ACTS

PASSED

AND

# JOINT RESOLUTIONS

ADOPTED

BY THE

*SIXTY-NINTH GENERAL ASSEMBLY,*

AT ITS

*Extraordinary and Adjourned Sessions, Begun and Held in the City of Columbus, October 14th, 1890, and January 6th, 1891, respectively.*

## VOLUME LXXXVIII.

COLUMBUS:
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[Senate Bill No. 328.]

## AN ACT

**To create and establish an efficient board of city affairs in cities of the first grade of the first class.**

**Board of city affairs:**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2205, 2206, 2207, 2228, and 2231 of the Revised Statutes of the state of Ohio, as amended by the act of March 13, 1890 (O. L., vol. 87, p. 62), be so amended as to read as follows:

**Creating board of city affairs for certain cities.**

Sec. 2205. In cities of the first grade of the first class there shall be a board of city affairs, composed of four members, electors of such city, all of whom shall be chosen by the electors of such city, at the election for municipal officers in April, 1891, two of whom shall be elected for one, and two for two years, and annually thereafter two members of said board shall be elected for the term of two years, beginning on the second Monday following their election, and all vacancies shall be filled by the mayor of such city, for the unexpired term; provided, if such vacancy occurs more than ten days before any annual municipal election, such vacancy shall be filled by the electors at such election for the unexpired term. The members of said board, before entering upon their duties, shall take and subscribe an oath before the mayor of such city, which shall be filed and kept in the office of the city clerk, to support the constitution of the United States and the state of Ohio, to obey the laws, and in all their official actions and judgments to maintain an honest and efficient administration of their said trust. The present board of public improvements of said city is hereby abolished, and the mayor of said city shall, within ten days after the taking effect of this act, appoint four members to serve as a board of city affairs until the qualification and organization of the elected board herein provided for; and the mayor shall appoint as the members of such board four citizens of said city, well known for their intelligence and integrity, two of whom shall be members of one of the leading political parties, and two of whom shall be members of the other leading political party, all of whom shall be designated to serve until the third Monday in April, 1891, or until their successors are elected and qualified; and the law in force applicable to said board at the time of the passage of this act shall remain in force as to said board, except as herein amended; provided, that in letting any contract, or granting or extending any franchise, three members of the said board must concur therein.

**Vacancies.**

**Oath.**

**Board of public improvements abolished; duty of mayor, etc.**

**Bonds of members.**

Sec. 2206. Each member of the board hereby created shall give a bond, with at least three sureties, in the sum of fifty thousand dollars, conditioned for the faithful performance of his duties, which sureties shall each be required to take an oath that he is worth the amount of the bond above all his liabilities, and such bond shall be approved by the judge of the superior court, and city solicitor of said city.

Duties and salaries of members.

Sec. 2207. The members of the board shall devote their entire time and attention to the duties of the office, and shall each receive as compensation therefor a salary of four thousand dollars per annum; and each member of such board shall, in person, supervise the cleaning, repairing, and improvements of the streets, alleys, avenues, lanes, public wharves and landings, market-houses and spaces, bridges, sewers, drains, ditches, culverts and sidewalks, in one of the districts into which such city may have been divided.

How vacancies filled; cause for removal of members.

Sec. 2228. At any time prior to the third Monday of April, 1891, all vacancies in said board, from whatever cause shall be filled by the mayor for the unexpired term. The person, or persons so appointed shall in all cases be a member of the same party as his or their predecessor or predecessors, in office; and for official misconduct, or neglect of duty, any member of the board may be removed by the mayor.

General powers and duties of board.

Sec. 2231. The board of city affairs provided for in section 2205, as herein amended, shall have all the powers and perform all the duties heretofore conferred upon or required of the board of city commissioners, and board of public works, and board of health, and board of public affairs, the present board of public improvements, or either of said boards, by any law now in force; and such board of city affairs shall be considered in all respects the successor of said board of public affairs, and the present board of public improvements, which last named board is hereby abolished; and no resolution or ordinance recommended to and amended in council shall take effect until approved by the said board of city affairs hereby created; and no resolution or order in which the expenditure of money is involved, or ordinance, resolution, or order for the expenditure of money, no contract for the payment of money, or for granting any franchise or creating any right, or for the purchase, lease, sale or transfer of property which shall have passed the council, except such as levying special taxes for the improvement of streets, shall take effect until approved by at least three members of the said board; and for such final approval every such ordinance, resolution, order or contract, shall be submitted to the board, after being approved by the mayor, or after being recommended and passed by the council if disapproved by the mayor.

Title chapter 2, division 7, title XII, amended.

SECTION 2. The title of said chapter two, [of] division seven, of title twelve, of the Revised Statutes, is hereby amended to read as follows: "Board of city affairs."

Inconsistent part certain section repealed.

SECTION 3. Any part of section 2186 of the Revised Statutes of the state of Ohio, as amended May 18, 1886 (O. L., vol. 83, p. 199), inconsistent with the provisions hereof is hereby repealed.

Repeals.

SECTION 4. That sections 2205, 2206, 2207, 2228, and 2231, as amended March 13, 1890, of the Revised Statutes of the state of Ohio, be and the same are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WILLIAM V. MARQUIS,
*President of the Senate.*

Passed October 24, 1890.
3G

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[Senate Bill No. 329.]

## AN ACT

**To authorize certain municipal corporations to construct machine-shops and to issue bonds therefor.**

Certain municipal corporations authorized to construct machine-shops and to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation which, by the federal census of 1880 had, and those which thereafter on the first day of March in any year, as ascertained by any federal census, may have, a population of three thousand nine hundred and ninety-eight, is hereby authorized to contract for, and construct machine-shops for railroad purposes exclusively, and purchase real estate therefor within or adjacent to the corporate limits of such municipal corporation, and for that purpose to issue bonds to the amount not to exceed one hundred thousand dollars, in such denominations and payable at such times as said council shall, by resolution, determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such municipal corporation, and shall bear interest not to exceed the rate of four and one-half per cent. per annum, payable semi-annually from the date thereof.

How bonds may be disposed of.

SECTION 2. That any such municipal corporation may negotiate such bonds for cash, or it may deliver the same in payment for such real estate, or for the construction of such machine-shops; but in no case shall such bonds be disposed of for less than the par value thereof, and accrued interest thereon; and such municipal corporation may require that no contract shall be awarded until the contractor shall enter into bond to such municipal corporation in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

Contractor to give bond.

Council authorized to lease, sell or convey machine-shops.

SECTION 3. That such council is hereby authorized to lease said shops to a railroad company or companies, with or without the grounds upon which the same may be built, upon such terms, conditions and reservations as may by it be determined, or such council may sell or convey said shops to a railway company or companies, with or without the grounds upon which the same are built, for such consideration and upon such terms, conditions and reservations as may by it be determined, by resolution, not in conflict with the former provisions of this act.

SECTION 4. That the powers herein conferred shall in no case be exercised by such council until thereto authorized by vote of the qualified electors of such municipal corporation, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such municipal corporation, upon the passage of a resolution by such council for the purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such city, whether English or German, at least ten days prior to the day of holding such election. Such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such municipal corporations. The poll-books and tally-sheets of such election shall forthwith be returned to the clerk of such municipal corporation, who with the president of the council, shall at any regular or special meeting of such council, proceed to canvass such vote, and the clerk of such municipal corporation shall enter the number of votes cast for and against said proposition in such voting precinct, and of the aggregate number of votes for, and the number of votes against such proposition in such municipal corporation, and if it shall appear by the returns of such election that two-thirds of all the electors voting upon such proposition shall have voted in favor of the same, such council shall be authorized to exercise the powers conferred by this act; and if two-thirds of said electors shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election, shall have written or printed thereon the words "Machine-shops—Yes," "Machine-shops—No." Proposition to be submitted to vote.

SECTION 5. That the resolution of such council herein provided for shall forthwith be entered by the clerk of such municipal corporation upon the ordinance book of such municipal corporation, and shall take effect upon passage without publication, any provisions of the law to the contrary notwithstanding. When resolution of council shall take effect.

SECTION 6. That all contracts, agreements, or conveyances authorized by this act shall, upon the part of such municipal corporation, be signed by the mayor, countersigned by the clerk and attested by the seal of such municipal corporation, and the council of such municipal corporation is hereby authorized to levy such tax in addition to all other taxes upon the taxable property of such municipal corporation each year thereafter, as may be necessary to pay the interest on such bonds as may become due, and to provide a sinking fund to pay the principal of said bonds at maturity, and the fund arising from such taxation shall not be used for any purpose other than that contemplated by this act. Contracts, etc., to be signed by mayor.

Levy of tax.

SECTION 7. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WILLIAM V. MARQUIS,
*President of the Senate.*

Passed October 24, 1890.

[House Bill No. 954.]

AN ACT

To repeal an act entitled "An act to authorize certain cities of the fourth grade, second class, to purchase lands and erect buildings thereon and to issue bonds therefor," passed April 11, 1889.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act, passed April 11, 1889, be and is hereby repealed, and this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WILLIAM V. MARQUIS,
*President of the Senate.*

Passed October 24, 1890.
5G

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## ADJOURNED SESSION.

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[House Bill No. 983.]

AN ACT

Making appropriation for expenses of the general assembly.

Appropriation for legislative expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of thirty thousand dollars ($30,000) for salaries and mileage of members, per diem of clerks, sergeants-at-arms, and other officers and employes of the general assembly; one thousand dollars ($1,000) for contingent expenses of the house, and one thousand dollars ($1,000) for contingent expenses of the senate.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 14, 1891.
6G

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[Senate Bill No. 276.]

AN ACT

To amend section 208 of the Revised Statutes.

Attorney-general:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 208 of the Revised Statutes be so amended as to read as follows:

Sec. 208. He shall advise the prosecuting attorneys of the several counties, when requested by them respecting the duties of their offices under section 1273 in all complaints, suits and controversies in which the state is, or may be a party. To be legal adviser of prosecuting attorneys in certain cases.

SECTION 2. That said original section 208 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 20, 1891.
7G

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[Senate Bill No. 332.]

AN ACT

To authorize the council of any village of the state of Ohio, that had at the last federal census of 1880 a population of fourteen hundred and fifty-five to construct a sewer and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which, by the last federal census of 1880 had, and which by any subsequent federal census may have, a population of fourteen hundred and fifty-five, is hereby authorized to construct a sewer, and for that purpose to issue the bonds of such village to the amount of four thousand dollars ($4,000.00) in such denominations and payable at such times as the village council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the seal of such village, and shall bear interest at a rate not to exceed six per centum per annum, payable semi-annually from date thereof. And such bonds shall be sold according to law, and not for less than par value thereof. Certain villages authorized to issue bonds for sewer purposes.

SECTION 2. That the powers herein conferred shall in no case be exercised by the council of such village until authorized by a vote of the qualified electors of such village, taken at a general or special election held therein. That for the purpose of submitting such proposition to a vote of such electors, the clerk of such village shall give notice of the time of holding such election, which shall be published in all the newspapers publish[ed] in such village, and by posting notices thereof in at least three of the most public places in such village at least ten days prior to the day of holding such election. Such election shall be held at the usual place of holding elections, and by the officers authorized to preside at elections in such village. The poll-books and tally-sheets of such election shall be forthwith returned to the clerk of such village, who, with the mayor of such village, shall, at Question of issue to be submitted to vote.

any regular or special meeting of the village council, and in the presence of a quorum of such council, proceed to canvass such vote, and the village clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in such village; and if it shall appear by the returns of such election that a majority of all the electors voting at such election have voted in favor of such proposition, such village council shall be authorized to exercise the powers conferred by this act, and if a majority of such electors voting at such election shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots voted at such election shall have written or printed thereon the words, "For the issue of sewer bonds—Yes;" and those against, "For the issue of sewer bonds—No."

Additional levy of tax authorized.

SECTION 3. The village council is hereby authorized to levy such tax, not to exceed two mills, in addition to the rate now authorized by law, upon the taxable property of such village, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

SECTION 4. This act shall take effect and be in force from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
8G

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[House Bill No. 12.]

AN ACT

To amend section four of an act entitled an act to regulate the sale of milk, passed April 10, 1889. (Vol. 86, pages 229, 230.)

Adulteration:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 of an act entitled an act to regulate the sale of milk, passed April 10, 1889 (vol. 86, pages 229 and 230), be so amended as to read as follows:

Adulterated milk defined.

Sec. 4. In all prosecutions under this chapter, if the milk is shown upon analysis, to contain more than eighty-seven per cent. of watery fluid, or to contain less than twelve and one-half per cent. solids, nor [not] less than one-fourth of which must be fat, it shall be deemed, for the purpose of this chapter, to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than twelve per cent. of milk solids shall be deemed to be not of good standard quality.

Repeals.

SECTION 2. That said section four, as passed April 10, 1889, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in full force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
9G

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[House Bill No. 417.]

## AN ACT

**To amend section 2792 of the Revised Statutes, relating to the assessment of lands for taxation.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2792 of the Revised Statutes, as amended February 19, 1889, be amended so as to read as follows:

Assessing real estate:

Sec. 2792. Each separate parcel of real property shall be valued at its true value in money, excluding the value of the crops growing thereon; but the price for which such real property would sell at auction, or at forced sale, shall not be taken as the criterion of the true value, and where the fee of the soil of any tract, parcel or lot of land, is in any person or persons natural or artificial, and the right to any minerals therein in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interests listed, and shall be taxed to the parties owning different interests, respectively; provided, the assessor shall deduct from the value of any such tracts of land lying outside of municipal corporations, the amount of land occupied and used by a canal or used as a public highway, at the time of such assessment, and if the assessor fails to do so, the county auditor is hereby authorized to make the deductions as herein provided; and provided, further, that the annual board of equalization may reduce the mineral value assessed against lands containing or producing petroleum (oil), natural gas, coal, ore, limestone, fire-clay, or other minerals in proportion as the product of such mineral has diminished, if such mineral product was considered as a part of the value of said real estate in its previous appraisement for taxation and annual assessors or boards of equalization may assess such mineral values as developments of its product or existence are made.

Tracts to be valued separately; rules therefor.

SECTION 2. Said original section 2792, as amended February 19, 1889, is hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
10G

[House Bill No. 953.]

AN ACT

To authorize cities of the second class, third grade, having a population at the federal census of 1880, of twelve thousand one hundred and twenty-two, to issue bonds for the purchase of material and labor for the manufacture of gas by the municipality.

Certain cities authorized to issue bonds for gas-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities of the second class, third grade, having a population at the federal census of 1880, of twelve thousand one hundred and twenty-two, be and the same is hereby authorized and empowered to issue bonds in any sum not exceeding $15,000, bearing interest at a rate not exceeding six per cent. per annum from date of issue, interest payable semi-annually at the city treasurer's office, for the purpose of providing funds for the purchase of gas-mains and an extension thereof; the purchase of service-pipe and the laying thereof; the purchase of gas-meters, the purchase of coal, and other material and labor necessary for the manufacture of gas and a distribution thereof, and for the operation and enjoyment of gas-works already erected in said cities by the municipality.

Bonds: where, when and how to be paid.

SECTION 2. The principal of said funds [bonds] shall be made payable at the city treasurer's office at such times as the council of said city may determine by ordinance; and the council is hereby authorized, if necessary, to levy a tax upon all taxable property, to pay said bonds and interest, not exceeding five-tenths of one mill on the dollar in any one year.

How to be issued and sold.

SECTION 3. Said bonds shall be signed by the mayor of the city, and countersigned by the city clerk, and shall be issued in such amounts respectively as will, in the judgment of the city council, best subserve the negotiation and sale thereof, and shall not be sold for less than their par value, after advertising the same not less than ten days.

SECTION 4. This act shall take effect and be in full force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed Febuary 2, 1891.
11G

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[Senate Bill No. 37.]

AN ACT

To facilitate the giving of bonds by law.

Certain corporations authorized to act as sureties on official and other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any person who now or hereafter may be required or permitted by law to make, execute and give a bond or undertaking, with surety or sureties, conditioned for

the faithful performance of any duty or duties, or for the doing or not doing anything in said bond or undertaking specified, such person may execute and give in lieu of the bond or undertaking now required by law, a bond, conditioned as required by law, and having as surety therein a corporation organized under the laws of the state of Ohio, for the purpose of guaranteeing the honesty and fidelity of persons accepting or occupying positions of public or private trust; provided, that such corporation shall not be accepted or approved as such surety unless its assets shall exceed its liabilities, as ascertained in the manner provided in section three of this act; and further provided, that such corporation shall have complied with all the requirements of this act. And provided that the person or officer required by law to approve of such bond approve of such corporation as surety. No company organized under this act shall be authorized or permitted to go upon any bond of an executor, administrator, or assignee, nor upon the bond of a county treasurer.

Exceptions.

SECTION 2. Every such corporation, before commencing business, shall deposit with the superintendent of insurance of the state of Ohio, two hundred thousand dollars, in bonds of the United States or of the state of Ohio, or of the counties, townships, or municipal corporations of said state of Ohio, or one or more of them, duly made or assigned to the superintendent of insurance, in trust for the benefit of the persons for whose protection and benefit any such bond or undertaking may be given; but such corporation shall have the right so long as it remains solvent to collect the interest on such securities so deposited, and from time to time to withdraw such securities, or any part thereof from the superintendent, upon depositing with him other securities of the kinds heretofore named, and of equal value with those withdrawn. Provided, that the amounts of the securities so deposited shall not be reduced or withdrawn so long as such companies continue to do business in the state of Ohio and until all liabilities have been fully discharged.

Deposit to be made by such corporations.

SECTION 3. The assets and liabilities of such company shall be ascertained in the following manner: The assets of the company shall be estimated at their cash value; and there shall be charged as liabilities in addition to eighty per centum of any amounts actually paid on capital stock, all the outstanding indebtedness of the company, and a premium reserve equal to fifty per centum of the premiums charged by said corporation on all risks then in force. And the certificate of the superintendent of insurance, whose duty it shall be to give such certificate in accordance with the facts, to the effect that the assets of said company exceed its liabilities, ascertained according to the provisions of this act, shall qualify said company to be received as sufficient surety on all bonds herein referred to as if upon justification, as required by law of other sureties.

How assets and liabilities ascertained.

What shall qualify corporations to be received as sureties.

SECTION 4. Such corporation shall, on the first day of January of each year, or within sixty days thereafter, make to the superintendent of insurance a report under oath of the secretary or treasurer of such corporation, showing the con-

Annual report to the superintendent of insurance.

dition of the company on the thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, to-wit:

1. The number of bonds and undertakings executed during the year.
2. The amount of guaranty furnished thereby.
3. The amount of premiums received during the year.
4. The amount paid for losses during the year.
5. The amount of all other expenditures and disbursements.
6. The amount of losses unpaid.
7. Whole number of outstanding bonds and undertakings in force.
8. The amount guaranteed thereby.
9. Amount paid on capital stock.
10. A detailed statement of all the assets of the corporation, and the manner of their investment.

Where suit may be brought and how service made.

SECTION 5. Such corporation may be sued in any county within the state of Ohio, in which it has made a contract, on any such contract, or in any county in which any principal on such bond or undertaking may reside, and the return of the summons issued in such suit as duly served by the sheriff of the county in which said corporation shall have its principal place of business, shall be held to be as a sufficient service on said corporation as if said corporation were found and served within the county in which suit may be brought.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 3, 1891.
12G

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[Senate Bill No. 378.]

AN ACT

To amend section 1 of "An act to provide compensation for members of county, city and state boards of equalization of appraisement of real estate appraised in 1890," passed April 15, 1890 (O. L., vol. 87, p. 199).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of the above entitled act be amended so as to read as follows:

Compensation of members of decennial county or city boards of equalization.

Sec. 1. That each member of any decennial county or city board of equalization for the equalization of real property as appraised by district assessors in the year 1890, including the county auditor, shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of three dollars, to be paid out of the county treasury after the same shall be allowed by the board of county

commissioners. But in any county containing a city of the second grade of the first class, each of said members of the decennial city board of equalization shall receive such further compensation as the commissioners of such county may deem reasonable and just, not to exceed the sum of two dollars per diem.

Repeals, etc.

SECTION 2. That section 1 of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 3, 1891.
13G

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[House Bill No. 1107.]

## AN ACT

To amend and supplement an act passed April 2, 1889, entitled an act to authorize certain villages to borrow money and issue bonds therefor for the purpose of purchasing a natural gas plant, including wells and leases of lands, sinking wells for natural gas, purchasing and laying pipes, erecting necessary buildings, providing machinery, fixtures and appurtenances and supplying such villages with natural gas for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of the above entitled act be amended and supplemented so as to read as follows:

Certain villages authorized to purchase natural gas wells, etc.

Sec. 1. That any village which by the federal census of 1880 had or which by any subsequent federal census may have, a population of not less than three thousand five hundred and forty and not more than three thousand five hundred and seventy-five, be and the same hereby is authorized to purchase of any incorporated company the gas-wells and other property of such company within or without the corporate limits of such village, including leases of lands, contracts for right of way and for other purposes pertaining to the sinking of wells on such lands and conveying the product thereof, to purchase or lease other lands within or without the corporate limits of such village for the purpose of drilling wells for natural gas thereon, to make contracts for the drilling of wells for natural gas, to procure all necessary rights of way, to purchase and lay pipes or make contracts therefor, to erect and furnish all necessary buildings, machinery and appliances and to supply such village and the inhabitants thereof with natural gas for public and private use.

Provisions of former act made applicable to such villages.

Sec. 1*a*. The provisions of said act of April 2, 1889, are hereby declared to extend and apply to any village which may have assumed to act in pursuance of the powers and authority conferred by said act in purchasing or otherwise acquiring the property, including lands by lease or purchase,

rights and franchises defined in the preceding section, for the uses and purposes therein contemplated, and in issuing its bonds as therein provided, and any such village shall have and may exercise in respect to the property so acquired all the rights and privileges pertaining to other classes of its corporate property.

How lands acquired for natural gas purposes may be disposed of.

Sec. 1*b*. Any municipal corporation which may have acquired, or may hereafter acquire, lands for any of the purposes contemplated in this act, either in fee simple or under leases, may at any time dispose of such lands, or its interest therein, together with the wells thereon and property appurtenant thereto, and the proceedings for that purpose shall be in accordance with the provisions of chapter 16, division 8, title XII of the Revised Statutes of this state. In all cases where such lands are held in fee simple, or under leases granting to the lessee and his assigns the right to the oil as well as the gas which may be developed and produced by drilling wells thereon, the trustees of natural gas works of any such city or village are hereby authorized and required to make provision for the preservation of the oil that may be produced from such wells and for the disposal of the share and interest therein of such city or village until the wells and territory can be sold as herein provided, and until such sale the trustees aforesaid may temporarily lease or sublet such wells and territory upon such terms as they choose, so as to produce revenue.

Repeals, etc.

SECTION 2. Section one (1) of said act of April 2, 1889, is hereby repealed, and this act shall take effect upon its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
14G

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[House Bill No. 1111.]

AN ACT

For the relief of Mrs. Alfred B. Brant.

Appropriation for benefit of Mrs. Alfred B. Brant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of six hundred dollars be and the same is hereby appropriated and allowed to Mrs. Alfred B. Brant, widow of Hon. Alfred B. Brant, the late representative from Seneca county, in this general assembly, who died on December 7, 1890, said sum being the amount which would have been payable to the said Hon. Alfred B. Brant, had he lived, for one year's services as such representative, also that said

sum be paid, from any money in the state treasury not otherwise appropriated, to said widow or her order.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
15G

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[House Bill No. 1162.]

## AN ACT

To authorize certain villages in the state of Ohio, having at the federal census of 1880 a population of not less than two thousand eight hundred and forty-eight (2,848) nor more than two thousand eight hundred and fifty-five (2,855) or which at any subsequent federal census may have such population to purchase lands and erect buildings thereon and to issue bonds therefor.

Certain villages authorized to issue bonds for purchase of land and erection of buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any such village in the state of Ohio, having at the federal census of 1880 a population of not less than two thousand eight hundred and forty-eight (2,848) nor more than two thousand eight hundred and fifty-five (2,855) or which at any subsequent federal census may have such population, be, and are hereby authorized to contract for and purchase land, and erect buildings thereon, and for that purpose to issue bonds to the amount of fifty thousand dollars, in such denominations, in such amount at any one time, and payable at such times as the village council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the seal of such village, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually from the date thereof.

Disposition of bonds.

SECTION 2. That the council of any such village may negotiate such bonds for cash, or it may deliver the same in payment for such real estate, or for the construction of any building or buildings, but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such village in double the amount of any such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

Bond of contractor.

Disposition of real estate and buildings.

SECTION 3. That said village council is hereby authorized to lease such real estate and buildings, if there be any, for such terms and on such conditions and reservations as may by it be determined by resolution; or such village council may sell and convey such real estate and buildings, if there be any, or any buildings that may be contracted for to be built, for such consideration and upon such terms, conditions and reservations, and to such person or persons, as may by it be determined by resolution.

Vote upon proposition.

SECTION 4. That the powers herein conferred shall in no case be exercised, in whole or in part, by the council of any such village until thereto authorized by a vote of the qualified electors of such village, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such village, for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such village at least ten days prior to the day of holding such election; such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such village. The poll-books and tally-sheets of such election shall be forthwith returned to the clerk of such village, who with the mayor of such village shall, at any regular or special meeting of the village council, and in the presence of a quorum of such council, proceed to canvass such vote, and the village clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in such village, and if it shall appear by the returns of such election that a majority of all the electors voting at such election have voted in favor of such proposition, such village council shall be authorized to exercise the powers conferred by this act, and if a majority of such electors voting at such election shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots voted at such election shall have written or printed thereon the words, "For the issue of bonds—Yes;" and those against, "For the issue of bonds—No."

Resolution of village council.

SECTION 5. That the resolution of such village council herein provided for shall forthwith be entered by the village clerk upon the ordinance book of such village, and shall take effect after its legal publication.

Duty of mayor and clerk as to contracts, etc.

SECTION 6. That all contracts or conveyances authorized by this act shall, upon the part of such village, be signed by the mayor, countersigned by the clerk, and attested by the seal of such village, and the village council is hereby authorized to levy such tax, in addition to the rate now authorized by law, upon the taxable property of such village, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

Levy of tax.

SECTION 7. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.

16G

[House Bill No. 1170.]

AN ACT

Supplementary to an act entitled "An act to authorize cities having a population at the last general census in 1880 of 5,840 to build a freight and passenger railroad passing through the limits and to own and control the same," passed April 11, 1890 (laws of 1890, page 176).

Railway trustees authorized to pay debts of railroad company in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it may become impossible to purchase a railroad already partially constructed, and right of way acquired therefor, as provided in section 7 of the said act to which this is supplementary, by reason of outstanding contracts between the company owning said partially constructed railroad and right of way to convey the same to a new company organized to complete said railroad, and said company owning said partially constructed railroad and right of way is unable to convey a good title thereto to said new company, by reason of outstanding indebtedness, said trustees named in said act, to which this is supplementary, may out of said trust fund, provided for in said act, agree and bind themselves as such trustees, to discharge and pay off said indebtedness to an amount which the said trustees may deem necessary, either in money raised by the sale of bonds, or by taxation to pay the same, or by a transfer of said bonds, provided in said act, to which this is supplementary, at their face value, upon said company, owning said partially constructed railroad and said rights of way, conveying the same to said new company, provided that said money shall not be paid or said bonds transferred, until said railroad shall be constructed and operated by said new company. Provided further that in the sale or transfer of said bonds, the same may be issued without securing the same by mortgage on said railroad as provided in said act, to which this is supplementary.

Disposition of surplus moneys.

SECTION 2. That after said trustees shall have paid said sum of money or transferred said bonds mentioned in section 1 of this act, and adjusted and paid all the expenses and charges of said trusteeship, any moneys remaining from the sale of bonds shall be transferred to the sinking fund provided in said act to which this is supplementary.

SECTION 3. This act shall take effect and be in full force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.

17G

[Senate Bill No. 382.]

AN ACT

Supplementary to section 475 of the Revised Statutes of Ohio, to provide for official stenographers in the courts of certain counties of the state.

Court of common pleas:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be enacted as supplementary to section 475 of the Revised Statutes, and to be entitled section 475*b*, the following:

Court stenographers in certain counties; appointment; term; duties; compensation.

Sec. 475*b*. That in all counties of the state of Ohio having a population of not less than 37,900 or more than 38,050 at the federal census of 1890, the judge holding the court of common pleas in such county, in session on the first day of January in each year, or at the session nearest said date, shall appoint, for the said court of common pleas, a competent stenographer, who shall hold office for the period of one year from his or her appointment, unless sooner removed for cause. It shall be the duty of such stenographer to perform all the duties of stenographers in courts of common pleas provided in this chapter. The official stenographer provided for in this section, shall receive $5.00 per day out of the county treasury, for each day actually employed, and the presiding judge of such court, in all cases not tried to a jury, may dispense with the service of the stenographer in cases whose importance does not require it. Such stenographer shall be requested [required] to make long-hand notes of all evidence taken, at the request of either party or his attorney in the case, the same to be paid for at the rate of not more than 8 cents per hundred words, by the party requesting the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 9, 1891.
18G

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[House Bill No. 965.]

AN ACT

Making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal year ending February 15, 1892.

Partial appropriations for state departments and institutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby are appropriated out of moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, the following sums, for the purposes hereinafter specified, to-wit:

Partial appropriations for state departments and institutions.

*Adjutant-General's Department:*

Salary of adjutant-general, two thousand dollars ($2,000).
Salary of assistant adjutant-general, fifteen hundred dollars ($1,500).
Salary of chief clerk, fourteen hundred dollars ($1,400).
Salary of assistant clerk, two hundred dollars ($200).
Salary of four transcribing clerks, twelve hundred dollars ($1,200).
Salary of superintendent of state arsenal, ordnance clerk and book-keeper, twelve hundred dollars ($1,200).
Contingent expenses and inspection, four hundred dollars ($400).
Care of military stores and freight on arms, three hundred dollars ($300).
For expense of shipping roster of Ohio troops, two hundred dollars ($200).

*State House and Grounds:*

Salary of superintendent of laborers, nine hundred dollars ($900).
Salary of one engineer, one thousand dollars ($1,000).
Salary of two firemen, five hundred dollars ($500).
Salary of janitor of flag-room, seven hundred and twenty dollars ($720).
Salary of visitors' attendant, seven hundred and twenty dollars ($720).
Salary of day policeman, seven hundred and twenty dollars ($720).
Salary of night policeman, eight hundred dollars ($800).
Salary of four regular laborers, six hundred dollars ($600).
Extra labor, five hundred dollars ($500).
Material and repairs, five hundred dollars ($500).
Fuel for state house, five hundred dollars ($500).
Water rent, four hundred and three dollars ($403).
Care and repair of heating apparatus, three hundred dollars ($300).

*Agriculture:*

Contingent expenses of board, two hundred dollars ($200).
For the encouragement of agriculture, fifteen hundred dollars ($1,500).

*Attorney-General:*

Salary of attorney-general, fifteen hundred dollars ($1,500).
Salary of clerk, one thousand dollars ($1,000).
Contingent expenses, two hundred dollars ($200).
Fees on collections, five hundred dollars ($500).
For exchange of type-writer, forty dollars ($40).

*Auditor of State:*

Salary of auditor, three thousand dollars ($3,000).
Salary of chief clerk, two thousand dollars ($2,000).
Salary of book-keeper, sixteen hundred dollars ($1,600).

Partial appropriations for state departments and institutions.

Salary of railroad and bank clerk, fifteen hundred dollars ($1,500).

Salary of land clerk, fifteen hundred dollars ($1,500).

Salary of canal and trust fund clerk, fourteen hundred dollars ($1,400).

Salary of statistical clerk, twelve hundred dollars ($1,200).

Salary of stenographer, eight hundred dollars ($800).

Contingent expenses, five hundred dollars ($500).

*Board of Health:*

General expenses of board, one thousand dollars ($1,000).

*Board of Pardons:*

Expenses of board, two hundred dollars ($200).

Salary of secretary, three hundred dollars ($300).

*Board of Public Works:*

Salaries of members, twenty-four hundred dollars ($2,400).

Salaries of engineers, thirty-six hundred dollars ($3,600).

*Board of State Charities:*

Expenses of board, six hundred dollars ($600).

*Commissioner of Common Schools:*

Salary of commissioner, two thousand dollars ($2,000).

Traveling expenses of commissioner, two hundred dollars ($200).

Salary of chief clerk, seventeen hundred and fifty dollars ($1,750).

Salary of second clerk, twelve hundred dollars ($1,200).

Contingent expenses, one hundred and fifty dollars ($150).

Boxing and shipping reports, one hundred dollars ($100).

*Commissioner of Railroads and Telegraphs:*

Salary of commissioner, two thousand dollars ($2 000).

Salary of chief clerk, twelve hundred dollars ($1.200).

Salary of assistant clerk, one thousand dollars ($1,000).

Experts to examine bridges, two hundred dollars ($200)

Contingent expenses, one hundred dollars ($100).

Expenses outside of office, one hundred dollars ($100).

*Commissioner of Statistics of Labor:*

Salary of commissioner, two thousand dollars ($2,000).

Clerk hire, five hundred dollars ($500).

Contingent expenses, four hundred dollars ($400).

Traveling expenses, one hundred dollars ($100).

*Executive Department:*

Salary of governor, eight thousand dollars ($8,000).

Salary of private secretary, eight hundred dollars ($800).

Salary of executive clerk, fifteen hundred dollars ($1,500).

Partial appropriations for state departments and institutions.

Salary of assistant executive clerk, twelve hundred dollars ($1,200).

Contingent expenses, clerk hire, and newspapers, five hundred dollars ($500).

Salary of lieutenant-governor, eight hundred dollars ($800).

*Inspector of Mines:*

Salary of chief inspector, two thousand dollars ($2,000).

Salaries of district inspectors, six thousand dollars ($6,000).

Contingent expenses of mine inspectors, one thousand dollars ($1.000).

Clerk hire, two hundred dollars ($200).

*Inspector of Workshops and Factories:*

Salary of chief inspector, fifteen hundred dollars ($1,500).

Salaries of district inspectors, three thousand dollars ($3,000).

Traveling expenses of chief inspector, two hundred dollars ($200).

Traveling expenses of district inspectors, five hundred dollars ($500).

Contingent expenses, three hundred dollars ($300).

Clerk hire, three hundred dollars ($300).

*Judiciary:*

Salaries of supreme, circuit, superior and common pleas judges, three hundred and five thousand dollars ($305,000).

*Law Library:*

Salary of law librarian, fifteen hundred dollars ($1,500).

Salary of assistant law librarian, one thousand dollars ($1,000).

Contingent expenses, two hundred dollars ($200).

Books for law library, four hundred dollars ($400).

*Legislature:*

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes, fifty thousand dollars ($50,000).

Expenses of legislative committees, three thousand dollars ($3,000).

*Ohio Dairy and Food Commissioners:*

Salary of commissioner, fifteen hundred dollars ($1,500).

Expenses of commissioner, one hundred and fifty dollars ($150).

Salaries of assistant commissioners, two thousand dollars ($2,000).

Expenses of assistant commissioners, three hundred dollars ($300).

Compensation of state chemists, two hundred dollars ($200).

Partial appropriations for state departments and institutions.

*Ohio Penitentiary:*

Per diem of managers, five thousand dollars ($5,000).
Salaries of officers, six thousand dollars ($6,000).
Salaries of guards, twenty thousand dollars ($20,000).
Current expenses, thirty thousand dollars ($30,000).
Manufacture of gas, four thousand dollars ($4,000).
Expenses attending executions, five hundred dollars ($500).
Ordinary repairs, two thousand dollars ($2,000).
Rewards to discharged convicts, five thousand dollars ($5,000).
Prosecution and transportation of convicts, twenty-five thousand dollars ($25,000).

*Secretary of State:*

Salary of secretary of state, two thousand dollars ($2,000).
Salary of chief clerk, two thousand dollars ($2,000).
Salary of statistical clerk, fifteen hundred dollars ($1,500).
Salary of stationery clerk, thirteen hundred and fifty dollars ($1,350).
Salary of recording clerk, thirteen hundred and fifty dollars ($1,350).
Salary of corporation clerk, thirteen hundred and fifty dollars ($1,350).
Salary of superintendent of book-room, one thousand dollars ($1,000).
Stationery, three thousand dollars ($3,000).
Distribution of books, four hundred dollars ($400).
Extra clerk hire, four hundred dollars ($400).

*State Library:*

Salary of state librarian, fifteen hundred dollars ($1,500).
Salary of assistant librarian, twelve hundred dollars ($1,200).
Salary of janitor, four hundred and eighty dollars ($480).
Books, magazines, and papers, five hundred dollars ($500).
Contingent expenses, one hundred dollars ($100).

*Superintendent of Insurance:*

Salary of superintendent, two thousand dollars ($2,000).
Salary of chief clerk, eighteen hundred dollars ($1,800).
Salary of examining clerk, fifteen hundred dollars ($1,500).
Salary of book-keeper, fifteen hundred dollars ($1,500).
Salary of corresponding clerk, one thousand dollars ($1,000).
Salary of mailing clerk, eight hundred dollars ($800).
Salary of extra clerks, five hundred dollars ($500).
Contingent expenses, four hundred dollars ($400).

*Supervisor of Public Printing:*

Salary of supervisor, eighteen hundred dollars ($1,800).
State binding, eight thousand dollars ($8,000).

Partial appropriations for state departments and institutions.

State printing, eight thousand dollars ($8,000).
Contingent expenses, one hundred dollars ($100),

*Supreme Court:*

Contingent expenses, three hundred dollars ($300).
Salary of janitor, eight hundred dollars ($800).

*Clerk of Supreme Court:*

Salary of the clerk of supreme court, fifteen hundred dollars ($1,500).
Salary of deputy clerks, twenty-four hundred dollars ($2,400).
For extra clerk hire, two hundred dollars ($200).
Contingent expenses, one hundred dollars ($100).

*Reporter of Supreme Court:*

Salary of reporter, one thousand dollars ($1,000).
Contingent expenses, one hundred dollars ($100).

*Treasurer of State:*

Salary of treasurer, three thousand dollars ($3,000).
Salary of cashier, two thousand dollars ($2,000).
Salaries of two book-keepers, twenty-seven hundred dollars ($2,700).
Salary of messenger and janitor, six hundred dollars ($600).
Salary of two night watchmen, sixteen hundred dollars ($1,600).
Collecting auditor of state's drafts, five hundred dollars ($500).

*Athens Asylum for the Insane:*

Current expenses, twenty-five thousand dollars ($25,000).
Ordinary repairs, twelve hundred dollars ($1,200).
Salaries of officers, fifteen hundred dollars ($1,500).

*Cleveland Asylum for the Insane:*

Current expenses, twenty-five thousand dollars ($25,000).
Salaries of officers, twelve hundred dollars ($1,200).
Ordinary repairs, one thousand dollars ($1,000).

*Columbus Asylum for the Insane:*

Current expenses, twenty-five thousand dollars ($25,000).
Salaries of officers, fifteen hundred dollars ($1,500).
Ordinary repairs, fifteen hundred dollars ($1,500).

*Dayton Asylum for the Insane:*

Current expenses, twenty thousand dollars ($20,000).
Salaries of officers, thirteen hundred dollars ($1,300).
Ordinary repairs, one thousand dollars ($1,000).

Partial appropriations for state departments and institutions.

*Toledo Asylum for the Insane:*

Current expenses, twenty-five thousand dollars ($25,000).
Salaries of officers, fifteen hundred dollars ($1,500).
Ordinary repairs, one thousand dollars ($1,000).

*Longview Asylum for the Insane:*

Current expenses, twenty-five thousand dollars, to be paid out in— This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the directors of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amounts ($25,000).

*Boys' Industrial School:*

Current expenses, seven thousand dollars ($7,000).
Salaries of officers and teachers, five thousand dollars ($5,000).
Expenses of trustees, one hundred dollars ($100).
Ordinary repairs, five hundred dollars ($500).

*Girls' Industrial Home:*

Current expenses, five thousand dollars ($5,000).
Salaries of officers and teachers, four thousand five hundred dollars ($4,500).
Expenses of trustees, two hundred dollars ($200).
Ordinary repairs, five hundred dollars ($500).

*Ohio Institution for the Blind:*

Current expenses, eight thousand dollars ($8,000).
Salaries of officers and teachers, three thousand dollars ($3,000).
Ordinary repairs, four hundred dollars ($400).
Expenses of trustees, two hundred dollars ($200).

*Institution for the Deaf and Dumb:*

Current expenses, ten thousand dollars ($10,000).
Salaries of officers and teachers, five thousand dollars ($5,000).
Ordinary repairs, one thousand dollars ($1,000).
Salary of foreman of carpenter shop, five hundred dollars ($500).
Salary of foreman of shoe shop, seven hundred dollars ($700).
Salary of foreman of printing office, five hundred dollars ($500).
Salary of foreman of tailor shop, seven hundred dollars ($700).
Supplies for carpenter shop, one hundred dollars ($100).
Supplies for printing office, one hundred dollars ($100).

Partial appropriations for state departments and institutions.

Supplies for tailor shop, two hundred dollars ($200).
Supplies for shoe shop, two hundred dollars ($200).
Lumber and nails for state boxes, two hundred dollars ($200).

*Institution for Feeble-Minded Youth:*

Current expenses, twenty thousand dollars ($20,000).
Ordinary repairs, one thousand dollars ($1,000).
Salaries of officers and teachers, three thousand dollars ($3,000).
Expenses of trustees, one hundred dollars ($100).
New building for dining-room, work-room, kitchen and store room, and changing old buildings, five thousand dollars ($5,000).

Provided, that the exception granted to the penitentiary in section 782 Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth, so far as relates to appropriations for buildings herein provided for.

*Ohio Soldiers' and Sailors' Home:*

Current expenses, fifteen thousand dollars ($15,000).
Officers' salaries, three thousand dollars ($3,000).
Expenses of members of board, two hundred dollars ($200).
Ordinary repairs, five hundred dollars ($500).
For clothing, five thousand dollars ($5,000).
For improvements of grounds, one thousand dollars ($1,000).

*Ohio Soldiers' and Sailors' Orphans' Home:*

Current expenses, twenty thousand dollars ($20,000).
Salaries of officers and teachers, four thousand dollars ($4,000).
Expenses of trustees, one hundred dollars ($100).
Salaries of foremen and instructors of industrial pursuits, fifteen hundred dollars ($1,500).
Ordinary repairs, one thousand dollars ($1,000).

*Ohio State University:*

Furnishing and equipping laboratory, twenty thousand dollars ($20,000).
Salaries, ten thousand dollars ($10,000).
Improvement of campus, five hundred dollars ($500).

SECTION 2. The moneys appropriated in the last preceding section, shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1891, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture, or any expenses for officers attending state, inter-state or national associations of benevolent institutions shall be paid out of appropriations made for the current expenses of said institution; and no money herein

Partial appropriations for state departments and institutions.

appropriated shall be drawn, except on a requisition on the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth the service rendered or material furnished and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
19G

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[House Bill No. 1210.]

AN ACT

To supplement section 2232 of the Revised Statutes, as amended April 11, 1888 (v. 85, O. L., p. 177).

Appropriation of property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2232 of the Revised Statutes, as amended April 11, 1888, be supplemented by an additional section, as follows:

How real estate appropriated for park purposes in cities of the third grade, first class, and expenses paid.

Sec. 2232*a*. In any city of the third grade of the first class, section 2702 shall not apply to resolutions or ordinances providing for the appropriation of property; and in any such city, when a petition therefor, signed by not less than twelve resident freeholders of such city, shall be presented to the board of park commissioners praying for the appropriation and purchase of any real estate within the corporate limits of such city for the purposes of a public park, and describing such real estate, and provisions shall have been made or caused to be made by such petitioners, to the satisfaction of such board of park commissioners, for the payment of not less than one-half of the price of such real estate and of all costs and expenses of making such appropriation, and on the recommendation of such board of park commissioners to the common council of such city, such common council shall be and hereby are authorized by the passage of an ordinance therefor, to direct and cause the necessary steps to be taken and proceedings to be had, as provided in this chapter, for the purchase and appropriation of such real estate for the purposes of a public park, without submitting the proposition therefor to the electors of such city; and any such city may, and is hereby authorized to, issue and sell its bonds to pay for its share of the cost of any real estate acquired under the provisions hereof, which bonds shall draw interest at a rate not in excess of four and one-half ($4\frac{1}{2}$) per cent. per annum, payable semi-annually, and shall mature at not to exceed twenty years after date of their issue, and be sold at

not less than par and accrued interest, and in accordance with law.

SECTION 2. That this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
20G

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[House Bill No. 1212.]

AN ACT

**To authorize any township in the state having a population at the last federal census and which at any subsequent federal census may have a population of 35,066 to establish a free public park.**

Board of park commissioners established in certain townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any township having a population at the last federal census and which at any subsequent federal census may have a population of 35,066 there shall be a board of park commissioners to be appointed by the court of common pleas of the county where situated, to consist of three suitable resident freeholders of the township, one to serve for one year, one for two years and one for three years from and after the second Monday of May succeeding said appointment; and thereafter one commissioner annually to serve for three years.

How board designated; compensation, powers and duties of members

SECTION 2. Such commissioners shall constitute a board to be called the township park commissioners, and they shall serve without compensation. They shall have power to locate, establish, improve and maintain a free public park within and for such township and to accept a conveyance of purchase or appropriate suitable lands for that purpose. It shall be their duty to have careful surveys and plats made of the lands acquired for park purposes and establish permanent monuments of their boundaries and such plat when executed according to the law providing for the execution of plats by corporations shall be admitted to and recorded in the office of the county recorder and such record shall be admissible in evidence at all times for the purpose of locating and ascertaining the true boundaries of such park.

Further powers and duties of commissioners.

SECTION 3. The township park commissioners shall devise all plans for the improvement of such park and award all contracts therefor in the manner now provided by law governing township trustees in awarding contracts for public improvements. They shall have power to appoint a guardian for such park and all other necessary employes, fix their compensation and prescribe their duties; to prohibit selling, drinking or giving away any intoxicating liquors in said park or within one-half mile of its limits; to pass by-laws, rules and regulations for the government of such park and

to protect it from injury and provide for their enforcement by fines and penalties, but such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

Appropriation of real estate for park purposes.

SECTION 4. When the township park commissioners can not procure lands desired for park purposes by deed of gift or purchase upon terms they regard reasonable, they may appropriate lands for that purpose by proceedings in accordance with the provisions of law regulating the appropriation of private property by municipal corporations; and if it is desired at any time to acquire additional grounds for enlarging such park and improving the same, the township park commissioners are hereby empowered to accept a deed of gift of purchase or appropriate lands therefor in the manner hereinbefore provided for the original establishment of such park and they may improve the same.

Additional levy authorized.

SECTION 5. To defray the expenses of purchasing, appropriating and improving lands for park purposes and maintaining the same as a free public park, the township park commissioners may levy annually a sufficient tax for that purpose, not exceeding one mill on each dollar of valuation on all real and personal property, including property within any municipal corporation within the limits of such township over and above all other taxes and limitations thereon now authorized by law for a period of five years, and not exceeding one-half of one mill on each dollar of valuation on all real and personal property including property within any municipal corporation within the limits of such township over and above all other taxes and limitations thereon now authorized by law annually thereafter; but

Question to be submitted to vote.

before any lands are purchased or appropriated for such park or any taxes levied therefor or for improving and maintaining the same, the question of establishing such park and levying taxes therefor shall be submitted to a vote of the electors of such township at any general or township election, which vote shall be taken on the order of the township park commissioners specifying as near as may be the proposed location of such park and the estimated cost thereof, on the making of which order the township clerk shall give notice at least thirty days before said election that the vote will be taken, by publication in not less than two papers of general circulation in said township and posting printed notices therein in at least five public places, and the electors who favor the proposition shall have printed or written on their ballots "Park (naming it)—Yes," and those opposed to the proposition shall have printed or written on their ballots "Park (naming it)—No," and if a majority of all the votes cast upon the proposition shall be in favor of it, the township park commissioners shall procure the lands for that purpose,

Relative to the issue of bonds.

levy taxes as aforesaid, and for the purpose of raising money to pay for and improve such lands may issue bonds of such township to be denominated township park bonds in any sum not in excess of the tax herein authorized to be levied the first ten years; but if a majority of all the votes cast upon such proposition shall be against it, then the board of town-

ship park commissioners shall be abolished and said tax shall not be levied, and the township trustees shall pay the expenses incurred hereunder of preliminary surveys, expenses of estimates and of the submission of the question to the electors of the township as above provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
21G

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[Senate Bill No. 283.]

## AN ACT

**To amend section 3481 of the Revised Statutes of Ohio.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3481 of the Revised Statutes of Ohio be amended so as to read as follows:

Turnpike and plank-road companies:

Sec. 3481. Every company entitled by the laws of this state to charge tolls may receive from persons traveling on or using its road, the following tolls, and no more, for every ten (10) miles travel on such road, and in the same proportion for any less distance, to-wit: For every four-wheeled carriage or other vehicle, drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents; for every sled or sleigh drawn by one horse or other animal, five cents, and for each additional animal, five cents; for every horse, or mule and rider, five cents; for every horse, mule or ass, six months old or upwards, three cents; for every head of neat cattle, six month old or upwards, one cent; for every head of sheep or hogs, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animals, thirty cents, and for each additional animal, ten cents; for every two-wheeled carriage drawn by one horse or other animal, ten cents, and for each additional animal, five cents; and for every engine wagon or other vehicle, drawn or propelled by steam or otherwise than herein provided, such companies may charge and receive such rates of toll as their directors or boards of managers may from time to time direct, but not to exceed five (5) cents per mile; but on all turnpike roads constructed of and kept in repair with two-thirds broken limestone the companies operating the same may charge and receive for each ten miles travel on such road, and in the same proportion for any less distance, to-wit: For every four-wheeled carriage or other vehicle drawn by one horse or other animal, twenty cents, and for each additional animal, ten cents; for every sled or sleigh drawn by one horse or other animal, ten cents, and for each additional animal, five cents; for every horse or mule

Rates of toll.

and rider, ten cents; for every horse, mule or ass, six months old or upwards, five cents; for every head of neat cattle, six months old or upwards, one and one-half cents; for every head of hogs, three-fourths of a cent; for every head of sheep, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animals, forty cents, and for each additional, ten cents; for every two-wheeled carriage drawn by one horse, fifteen cents; and for every engine, wagon or other vehicle, drawn or propelled by steam or otherwise than herein provided, such companies may charge and receive such rates of toll as their directors or boards of managers may from time to time direct, but not to exceed five (5) cents per mile; but persons going to and from their regular place of worship on the Sabbath, or to and from funerals, militia musters, or elections, jurymen going to and returning from their attendance at court, and the troops and armies of the United States, and of this state, may pass on any such road free of toll; and a company incorporated for the purpose of constructing a turnpike or plank-road from a mine or quarry to a railroad, canal, slack-water navigation or navigable water, macadamized road or place within or upon the borders of this state, may, when such road is completed, charge and collect such amount of toll for teams, hauling the products of such mines or quarries on its road as its directors may determine, not exceeding four cents per mile for two-horse teams, and an increase of two cents per mile for each additional horse; but such rates shall not be charged for teams hauling the products of such mines or quarries for more than eight miles, nor shall other travelers on such roads be charged more than the ordinary rate of toll per mile as allowed by section thirty-four hundred and eighty one.

Repeals.

SECTION 2. The original section 3481, together with all amendments thereafter made, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
22G

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[Senate Bill No. 358.]

AN ACT

For the benefit of Miss Lou G. Robertson, Miss Mary I. Robertson, Miss Leal Robertson and Miss Nellie Robertson, daughters of the late Senator A. J. Robertson.

Appropriation for benefit of daughters of Hon. A. J. Robertson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of six hundred dollars be and the same is hereby appropriated and allowed to Miss Lou G. Robertson, Miss Mary I. Robertson, Miss Leal Robertson and Miss Nellie Robertson, daughters of Hon. A. J. Robertson, the late member of the senate, who died on the third day of January,

1891, the same being the amount which would have been due the said Hon. A. J. Robertson for one year's services as member of this senate, and that the same be paid from any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
23G

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[Senate Bill No. 359.]

AN ACT

To regulate burdens upon county roads in counties having at the federal census of 1880 a population of not more than thirty-three thousand five hundred and fifteen, and not less than thirty-three thousand five hundred and ten.

Regulating width of tires in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county in this state having at the federal census of 1880 a population of not more than thirty-three thousand five hundred and fifteen, and not less than thirty-three thousand five hundred and ten, the county commissioners shall have power to enforce the following regulations as to burdens hauled over all free turnpikes or improved county roads, viz: For vehicles carrying a burden of over twenty-five hundred pounds and not over thirty-five hundred pounds a three-inch tire shall be used; for vehicles carrying a burden of thirty-five hundred pounds and not over four thousand pounds a three and one-half inch tire shall be used; for vehicles carrying a burden of over four thousand pounds and not over six thousand pounds a four-inch tire shall be used; for vehicles carrying a burden of over six thousand pounds and not over eight thousand pounds a five-inch tire shall be used; and for vehicles carrying a burden of over eight thousand pounds a six-inch tire shall be used.

Duty of county commissioners.

SECTION 2. The county commissioners of any such county shall, at the first regular meeting after the passage of this act, agree upon the enforcement of the provisions of this act, and enter their proceedings upon record, and shall thereupon give notice by publication that it will be enforced from and after June 1, 1891.

Duty of constables, marshals, etc.; penalty.

SECTION 3. It shall be the duty of any constable, marshal or other officer having police power to arrest any person found violating any of the provisions of this act, who shall be fined not less than five nor more than twenty-five dollars with costs by any mayor or justice of the peace in said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
24G

[Senate Bill No. 419.]

## AN ACT

To amend section 1928 of the Revised Statutes of Ohio.

Police boards and officers:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1928 of the Revised Statutes be amended to read as follows:

Secretary of police.

Sec. 1928. The board shall appoint a secretary of police who shall act as clerk of said board and also of the trustees of the police pension fund; he shall receive an annual salary of eighteen hundred dollars, perform such duties as are provided by law and the rules of the board, and give a bond in the sum of not less than ten thousand dollars for the faithful performance of his duties. He shall become a member of the force and be subject to the rules and regulations governing said force, and hold his office until removed, as provided in sections 1931 and 1938 of the Revised Statutes.

Repeals, etc.

SECTION 2. That said original section 1928 is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
25G

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[Senate Bill No. 451.]

## AN ACT

Making appropriations for the per diem of members, officers and employes of decennial state board of equalization, and for other purposes.

Appropriation for decennial state board of equalization and canal commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, the following sums, to-wit:

*Decennial State Board of Equalization:*

For per diem of members, officers and employes, fifteen thousand dollars ($15,000).

*Canal Commission:*

For salaries and expenses, five thousand dollars ($5,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
26G

[House Bill No. 1063.]

AN ACT

To allow the treasurer and auditor in counties having a population at the federal census of 1880, of forty-two thousand five hundred and seventy-nine, a per centum for collecting assessments upon the traffic in intoxicating liquors.

Fees for collecting Dow law assessments in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurer in counties having a population at the federal census of 1880, of forty-two thousand five hundred and seventy-nine, on settlement semi-annually with the county auditor, shall be allowed as fees on all moneys collected under and by virtue of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886 (O. L., vol. 83, p. 157), the sum of two and one-half per cent.; and the said county auditor shall also, at said settlement, receive as fees, the sum of two and one-half per cent. of all moneys collected under and by virtue of said act. Said per centum to the treasurer and auditor shall be paid out of the general expense or county fund, and in no case shall any sum for the payment of said fees be deducted from the amount of said tax due the state.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 17, 1891.
27G

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[House Bill No. 1211.]

AN ACT

To authorize any village in the state of Ohio, which at the last federal census (1880) had, or which at any subsequent federal census may have a population of not less then four hundred and eighty (480) nor greater than four hundred and eighty-five (485) to issue bonds for the purpose of improving their streets.

Certain villages authorized to issue bonds for improvement of streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any village within this state, which at the last federal census had, or which at any subsequent federal census may have a population of not less than four hundred and eighty (480) nor greater than four hundred and eighty five (485), be and the same is hereby authorized to issue the bonds of said village in any sum or sums not exceeding two thousand dollars ($2,000), bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of improving their streets.

Where and when bonds payable; levy of tax.

SECTION 2. The principal of said bonds shall be payable at such place, and at such times, not exceeding five years from the date of issue, as the council of said village may, by

ordinance, determine, and the said council is hereby authorized to levy a tax upon all taxable property of said village to pay said bonds and interest, but such tax shall not exceed one mill on the dollar in any one year in addition to the tax now authorized by law.

Issue and sale of bonds.

SECTION 3. Said bonds shall be issued in such sums as the council may, by ordinance, determine; they shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 4. This act shall take effect and be in force on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 17, 1891.
28G

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[House Bill No 1231.]

AN ACT

To further supplement section 2690 of the Revised Statutes of Ohio.

Finance and taxation:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2690 of the Revised Statutes of the state of Ohio, is hereby further supplemented as follows:

Transfer of money from contingent to fire commission fund in cities first grade, first class.

Sec. 2690*k*. In all cities of the first grade of the first class the council thereof may, by ordinance passed by the votes of two-thirds of all the members thereof, and approved by the mayor of any such city, appropriate from the contingent fund provided for in section 2690*h*, not to exceed one-half of said fund, or $25,000, and transfer the same to the credit of the fire commission fund of any such city, when the levy of taxes for the fire commission fund is insufficient to meet the requirements of the fire department of any such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 17, 1891.
29G

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[House Bill No. 420.]

AN ACT

To amend section 1615 of the Revised Statutes of Ohio.

Annexation:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1615 of the Revised Statutes of Ohio be amended so as to read as follows, to-wit:

How part of village attached to a city.

Sec. 1615. When a city and village adjoin each other, and the inhabitants of any portion of the territory constituting a part of such village desire to be detached therefrom, and annexed to such city, the commissioners of the proper county, on the application of the council of the city, and on the written request of two-thirds of the legal voters inhabiting the territory proposed to be so annexed, may cause such alteration to be made, and the boundaries of such city, and such village, respectively, to be established in accordance with such application and request, and such territory shall thereafter constitute a part of such city; provided, that in all their proceedings in the premises, the county commissioners shall, as far as the same are applicable, be governed by the provisions of this division, prescribing the manner of proceeding on applications for the annexation of adjacent unincorporated territory to villages and cities; and provided further, that the commissioners shall ascertain and apportion the amount of the existing indebtedness of the village, which shall be assumed and paid by the city on the annexation of the territory aforesaid. And said apportionment shall be made in the proportion of the total tax duplicate for the annexed territory transferred to the city, to the total tax duplicate remaining in and for the unannexed portion of the village, and to ascertain, adjust, and divide between the city and the unannexed portion of said village, all moneys and other credits belonging to the village in the same proportion as is above provided for division and apportionment of any indebtedness, and to order the amounts so adjusted and divided to be paid or delivered by the parties in possession thereof to the city and unannexed portion of said village.

How existing indebtedness, moneys, etc., of village apportioned.

Repeals.

SECTION 2. That original section 1615 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall be in force and take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
30G

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[House Bill No. 487.]

## AN ACT

**To provide for a board of park trustees in cities of the first grade of the first class.**

Board of park trustees in cities first grade, first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, there shall be a board of park trustees consisting of four members, nor [not] more than two of whom shall be of the same political party. They shall be appointed by the trustees of the sinking fund of such city. Two members shall be appointed for the term of two years each, and two members for the term of four years each, and until their successors are appointed and

qualified. And thereafter at the expiration of such terms, the members shall be appointed by the aforesaid trustees for the term of four years each. The members of said board before entering upon their duties shall take and subscribe an oath of office to honestly and faithfully perform their duties.

Compensation; bond.

SECTION 2. The members of said board shall serve without compensation, and give bond, each in the sum of $25,000.00, conditioned for the faithful performance of their duties.

Powers and duties.

SECTION 3. Said board shall have full and exclusive charge and supervision of the parks of such cities; they shall lay out, improve and beautify the same; establish within the parks, streets, roadways, and footwalks; grade and fill such portions as may be, in their judgment, deemed expedient; they may plant trees, flowers and shrubbery; establish artificial lakes, water-courses and fountains, erect such structures and music stands as may be necessary, and do any and all acts which may tend to ornament, beautify and make attractive said parks as places of public resort and recreation.

Employes of board.

SECTION 4. Said board may employ such superintendents, engineers, landscape gardeners, laborers and other persons as it may deem necessary to perform and accomplish the purposes of this act. They shall fix the salaries and compensations to be paid such employes, and they are hereby authorized to establish a park police force, consisting of such number of persons as the board may deem necessary. Said board shall have power to uniform such force in the manner they may direct, and empower said force to preserve the peace and enforce such rules and regulations as the board may, and is hereby authorized to adopt for the government of said parks.

Control of all moneys and credits belonging to park fund vested in board.

SECTION 5. The said board shall have full and exclusive control and authority over all moneys and credits which now are or hereafter may belong to the property of the park fund of such cities; and they shall have full and exclusive power to expend all such moneys and credits for the uses and purposes heretofore stated. All moneys heretofore levied for park purposes and unexpended are hereby transferred to and placed at the disposal of the said board of park trustees as soon as they may be appointed, in pursuance of the provisions of this act, to be disbursed by the city treasurer upon warrant of the city comptroller, which shall be drawn in accordance with the order of the board hereby created.

Annual levy for park purposes.

SECTION 6. It shall be the duty of said board to annually report to the city comptroller the amount of money it may need to carry out the work of the board for the ensuing year. It shall be the duty of the city comptroller and the common council to enter the said amount not exceeding three-fourth [s] of one mill or such part thereof as they may deem proper, on the tax levy of said city for the ensuing year, but such levy shall be subject to the approval of the board of commissioners, and the same shall be collected and placed with all proceeds from parks in a separate fund, to be called the park fund, and subject only to the order of said board of park commissioners.

SECTION 7. Said board is authorized, if by them deemed necessary, to employ a secretary, who shall keep a full and complete record of all the minutes, proceedings and accounts of the board, and do all such clerical work as the board may direct. Secretary.

SECTION 8. Said board shall annually make a report of its proceedings, together with a detailed account of its receipts and expenditures, to the city council of such cities. Annual report to city council

SECTION 9. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
31G

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[House Bill No. 528.]

## AN ACT

To amend section 6162 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand one hundred and sixty-two (6162) of the Revised Statutes of Ohio be amended so as to read as follows: Executors and administrators:

Sec. 6162. The executor or administrator shall make return of his proceedings under the order of sale; and the court after having carefully examined such return, and being satisfied that the sale has in all respects been legally made, shall confirm the sale, and order the executor or administrator to make a deed to the purchaser; and may, in the order, require that before the delivery of such deed the deferred installments of the purchase money shall be secured by mortgage. Provided, that if, after such sale is made, the purchaser offers to pay the full amount of the purchase money in cash, the court may order that the same shall be accepted, if for the best interest of the estate; and the court may direct the sale, without recourse, of all the notes taken for deferred payments, if for the best interest of the estate, at not less than their face value at the time of sale thereof, and direct distribution of the proceeds. Provided, that if, after such sale is made, the purchaser offers to pay the full amount in cash the court may order that the same be accepted if for the best interest of the estate, and direct its distribution. Return of sale to court; confirmation; order for deed. Proceedings when purchaser offers to pay cash.

SECTION 2. That original section 6162 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
32G

[House Bill No. 804.]

AN ACT

To amend section 1529 of the Revised Statutes, as amended April 5, 1889.

Officers of civil townships:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1529 of the said act, as amended April 5, 1889 (86 O. L., 210), be so amended as to read as follows:

Township officers to deliver to successors all books, records, etc.

Sec. 1529. The township trustees are authorized to purchase for their use one copy of the Revised Statutes, or one copy of some standard work containing all the sections of the Revised Statutes of Ohio, applicable to township officers [affairs,] with form[s] and citations for the guidance of township officers, to be paid for out of any unappropriated funds in the township treasury; and said trustees are authorized and required, when there are sufficient unappropriated funds in the township treasury to pay for the same, [to] purchase for the use of each justice of the peace within their township (who is not already supplied) one copy of such Revised Statutes, to be paid for out of such unappropriated funds. Copies so purchased shall be the property of the township, and shall be so marked. All township officers shall deliver over to their successors in office all books, records, documents, laws, obligations, papers, blanks, and all other articles and property belonging to their respective offices, or deposited with them in their official capacity, and any person who has been a township officer who refuses to deliver over the same, or any part thereof, shall forfeit any sum not more than fifty nor less than five dollars, to be recovered by action for the use of the township.

Repeals, etc.

SECTION 2. That said section 1529 of said original act, as amended April 5, 1889 (86 O. L., 210), be and is hereby repealed; and this act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
33G

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[House Bill No. 1034.]

AN ACT

To amend section 5250 of the Revised Statutes of the state of Ohio.

Means of securing attendance:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5250 of the Revised Statutes be amended so as to read as follows:

Where witness may not be compelled to attend.

Sec. 5250. A witness shall not be compelled to go out of the county where he resides or may be subpœnaed to testify in the trial of a civil action or to give his deposition, except where cases have been removed from the county in which such witness resides to another county by change of venue

under provisions of law. Also, except where such witness is the official custodian of any paper or document necessary to be produced in the trial as evidence in any cause, which paper or document can not lawfully be attached as an exhibit to a deposition; in such last case the judge of the court in which such cause is pending, upon being satisfied of the necessity thereof, may by his order to that effect compel a witness from another county to bring such paper or document into his court to be used as evidence in said case. Provided that any person subpœnaed to any other county as the official custodian, may demand the legal fees for attendance and mileage as in other cases and that he need not attend unless such fees are paid. Nothing herein contained shall be construed to prevent the taking and use of depositions in cases of change of venue under the law, but no person shall be compelled to go out of his county to have his deposition taken.

SECTION 2. That said original section 5250 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
34G

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[House Bill No. 1204.]

AN ACT

**To establish an annual board of equalization in all villages having at the federal census of 1880 a population of not less than 2,848, and not more than 2,855 inhabitants.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That [in] all villages having, at the federal census of 1880, a population of not less than 2,848 and not more than 2,855 inhabitants, there shall be an annual board for the equalization of the value of the real and personal property, moneys and credits in such villages, to be composed of the county auditor and six citizens of such village, appointed by the council thereof. The first appointments to be two for one year, two for two years, and two for three years, and two shall be annually appointed thereafter for three years, and all vacancies shall be filled for the unexpired term. Said board shall have all the powers and be governed by the rules, provisions and limitations prescribed in section 2804 for the annual county board, and all powers conferred on such boards as prescribed in section 2805 of the Revised Statutes of Ohio, as amended April 3, 1889. The compensation of the members of such board shall be the same as provided in section 2805 for the boards of cities of the third and fourth grades of the second class. Said board shall meet annually on the fourth Monday in May, at the county auditor's office, for the purpose of organization, Annual board of equalization established in certain villages. Powers; how governed; compensation. When board shall meet, and when adjourn.

and receive returns and instructions of the valuation, as provided in section 2805. Said board shall close its session on or before the fourth Monday of June then next following.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
35G

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[House Bill No. 1271.]

AN ACT

To authorize the council of any village of this state, having at the last federal census, or which may have at any subsequent federal census, a population of not less than 2,990, nor more than 3,000, to issue and sell bonds of such village for the purpose of supplying such village with a system of public water-works.

Certain villages authorized to issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village of this state, having according to [the] last federal census, or which may have according to any subsequent federal census, a population of not less than 2,990, nor more than 3,000, be and the same is hereby authorized to issue bonds of such village not exceeding sixty-seven thousand dollars ($67,000 00), to sell the same and apply the proceeds thereof in providing such village with a system of public water-works.

Issue and sale of said bonds

SECTION 2. Said bonds shall be issued in such amount, not exceeding ($67,000.00), in such denominations, and payable at such time or times, not exceeding forty years, as such council shall provide. Said bonds shall bear interest at a rate not exceeding six (6) per centum per annum from date of issue, payable semi-annually, and they shall not be sold for less than their par value. They shall be signed by the mayor, countersigned by the clerk and authenticated by the seal of such village.

Disposition of proceeds.

SECTION 3. The proceeds realized from the sale of such bonds, shall be used by the council of such village for the purpose of purchasing the necessary grounds, which may be purchased by contract, or by proceedings for the appropriation of property for public uses as in other cases, and constructing, and maintaining a system of water-works for such village.

Levy of tax.

SECTION 4. For the payment of said bonds and accruing interest thereon, said council shall at the time of making other levies, levy a tax on all the taxable property of such village, sufficient in amount each year to pay the bonds falling due that year and the interest accrued.

Question to be submitted to vote, etc.

SECTION 5. Before said bonds shall be issued or tax levied, the question of issuing said bonds and the levying of a tax therefor, shall be submitted to a vote of the electors of such village at a general or special election called for that purpose,

as the council of such village may order. Notice of such election shall be given for thirty days in two newspapers published in such village, once a week for four consecutive weeks, stating the purpose for which such bonds are to be issued, the amount of bonds to be issued, and the time and place of holding the election. Those who vote in favor of the proposition shall have printed or written on their ballots the words, "For the issue of bonds for water-works," and those who vote against the same shall have printed or written on their ballots the words, "Against the issue of bonds for water-works." If the proposition to issue such bonds is approved by two-thirds of all the votes cast at such election, the council of such village shall have authority to issue said bonds and levy said tax as provided for in this act. If at the first election herein, said proposition should fail to carry, it may be resubmitted again at a second election according to the provisions herein, at any time after the expiration of three months and before the expiration of six months from the first election hereunder.

Water-works trustees to be appointed, etc

SECTION 6. The mayor of such village is required within thirty days after such proposition is approved according to this act, to nominate three persons of said village, of high and well known integrity and ability, not more than two of whom shall be members of the same political party, to act as water-works trustees. They shall be nominated one for one year, one for two years, and one for three years. These nominations shall be announced at some regular meeting of council, and a two-thirds vote of council shall be necessary to confirm such appointments. These trustees shall serve respectively until their successors are respectively elected and qualified according to the statute, at the respective general elections occurring in such village nearest the first, second and third years from the time such board of trustees was first created. Vacancy in such board as to one appointed for said first, second or third year shall be filled according to the heretofore provisions of appointment and confirmation.

SECTION 7. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
36G

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[House Bill No. 285.]

AN ACT

To amend sections 3340 and 3341 of the Revised Statutes of Ohio.

Railroad companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3340 and 3341 of the Revised Statutes be amended so as to read as follows:

When connections may be made.

Sec. 3340. When the track of a company crosses, connects or intersects the track of the same gauge of another

company, either company may connect the tracks of the two roads so crossing, connecting or intersecting so as to admit the passage of cars from one road to another with facility, and avoid the necessity of transferring freights from said car. And when the tracks of one company lie contiguous to coal mines, stone quarries, manufacturing establishments, elevators, warehouses, navigable waters or side tracks, suitable for loading or unloading, it shall be the duty of such company to switch the cars of other companies, at the request of such companies, or the shippers, over and upon the tracks so lying by such coal mines, stone quarries, manufacturing establishments, elevators, warehouses, navigable waters or side tracks, for the purpose of unloading or loading grain or other freight into or from such elevators, warehouses, boats upon said navigable waters, or side tracks, without demurrage for forty-eight hours.

When companies must switch cars of other companies.

When companies must transport cars of other companies.

Rates for switching cars of other companies, etc.

Sec. 3341. When the tracks of two companies are connected as aforesaid, either company shall, when required, transport over its road to its destination thereon, any freight offered, in the cars in which it is offered, at its local rates per mile as set forth in the company's freight tariff for the distance most nearly corresponding, and to return the cars, with or without freight, without unnecessary delay; and any company owning a track or tracks lying contiguous to coal mines, stone quarries, manufacturing establishments, elevators, warehouses, navigable waters or side tracks as aforesaid, and within the proper terminal limits of or about any city or village, shall be entitled to receive from the company whose cars are so switched, loaded and unloaded at such coal mines, stone quarries, manufacturing establishments, elevators, warehouses, navigable waters or side tracks, no more than one dollar per car for switching one-half mile or less on such tracks; for all distances over one-half mile, and not exceeding two and one-half miles, such charge shall not exceed one dollar and fifty cents per car; and for all distances over two and one-half miles and not exceeding five miles, the charge shall not be more than two dollars per car; and for all distances of more than five miles the charge shall not be more than three dollars per car; and when such service is on the roads of two or more companies, then the aforesaid charges shall be divided between said companies in proportion to the distance of each road; provided, however, that each company shall be entitled to at least one dollar for such service, regardless of distance, and there shall be no charge for returning empty cars from said coal mines, stone quarries, manufacturing establishments, elevators, warehouses, navigable waters or side tracks; and whatever private side tracks are now, or may hereafter be constructed, it shall be the duty of the company to switch cars thereon at the rates herein specified; and the distance provided for in this section shall be computed from the general freight warehouse in such city or village, and from the siding used for the storage of cars nearest to where they may be required, outside municipalities; provided, however, that when by the ordinances of any municipality any railroad company is prohibited from doing by steam, the switch-

ing work herein provided for in the day time, but is compelled to do the same at night, such railroad company or companies may, in addition to the above charges, charge and receive an additional twenty-five per centum on each of the charges above enumerated; provided further, that nothing herein contained shall require any railway or railroad company now in operation, to furnish its terminals and facilities at the rates herein named to any similar company for any railroad to be built by it hereafter which shall not afford similar terminals and reciprocal facilities.

Repeals, etc.

SECTION 2. Said original sections 3340 and 3341 are hereby repealed; and this act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 24, 1891.
37G

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[House Bill No. 1224.]

## AN ACT

To amend an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in counties containing a city of the second grade of the first class," passed April 12th, 1889.

Fees, salaries, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Salaries of recorder, treasurer and auditor in certain counties.

Sec. 1. That in each county containing a city of the second grade of the first class, the compensation of the officers thereof specified in this section shall be by annual salary, except as otherwise provided in sections 9 and 10, of this act, to be paid in monthly installments, as follows: The recorder $2,000; treasurer and auditor $2,500 each; and neither of them shall receive, or agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty, nor a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise from any officer, agent, or employe of the county or the commissioners, or from any other person except as provided herein. And no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer for the performance or omission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily as provided in the next section, shall be by annual salary exclusively, to be paid in monthly

installments; and all such salaries shall be paid by the county in the manner hereinafter provided; but if any such officer be removed from office, or any such deputy, clerk, or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

SECTION 2. That section two of the above recited act be amended so as to read as follows:

Officers may select their employes; number and compensation.

Sec. 2. Each of said officers shall select the persons to be employed in his office and designate the capacity in which they shall serve, respectively; but the number of such employes, and the compensation of each, shall be determined by the county commissioners and the officer selecting the same, and in case said county commissioners and said officer can not agree upon the compensation of any employe, the same shall be referred to the judge of the court of common pleas of said county presiding in court room 1, whose determination of the amount of said compensation shall be final. And in determining the salaries of said employes they may allow to one deputy in the office of the treasurer and auditor, respectively, a salary of not more than $2,000; but no other deputy, clerk or employe in either of said offices shall be allowed more than $1,500 per year, and in the office of the recorder they may allow the deputy not more than $1,500, but no other clerk or employe in his office shall be allowed more than $1,200; provided, that the employment of clerks or other assistants temporarily in addition to the regular employes, at a stipulated sum per day, may be authorized by the county commissioners of such county, when they are satisfied that the business of any such office so require.

SECTION 3. That section 3 of the above recited act be amended so as to read as follows:

Certificate and pay-roll to be filed with the county commissioners.

Sec. 3. Each officer mentioned in section 1 hereof shall within ten days after entering upon the discharge of his official duties, and as often thereafter as any change shall occur therein, file with the county commissioners of said county a certificate, under oath, of the number of deputies and other clerks and employes allowed to him by the county commissioners, and the name and compensation allowed to each; and the commissioners shall keep a record of the number of deputies and other clerks and employes allowed each of said officers and the compensation of each, and on the first business day of each month each of said officers shall submit to the commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll, and the capacity in which he was employed, and also the salaries of the officer and employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay-roll a statement, under oath, by the officer that the pay-roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered

thereon. If the commissioners find, upon examination, that such pay-roll is correct, they shall indorse thereon their approval of the same, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon for the amount shown thereby to be due them respectively, and take their receipts therefor on the pay-roll on the right hand margin opposite their respective names in a space headed, "Received from the county auditor a warrant for the amount shown hereon to be due me."

SECTION 4. That section 4 of the above recited act shall be amended so as to read as follows:

Disposition of fees, etc., collected.

Sec. 4. One-half of all fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section 1 shall, when collected, be for the sole use of the county; the remaining fifty per cent. of said fees, costs, percentages, penalties, allowances and other perquisites shall be disposed of as hereinafter provided in section 10 hereof; the total receipts thereof each day by each of said officers shall, except as otherwise provided in section 7, be by him paid to the county treasurer before noon of the next business day succeeding their collection, and be duly accounted for by the treasurer, and said officer shall keep full and accurate accounts of all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, the amounts paid by him each day, and the sources from which the same are derived, and the amount paid to the county treasurer each day.

SECTION 5. That section nine of the above recited act shall be amended so as to read as follows:

Compensation of clerk, sheriff and probate judge.

Sec. 9. All fees, costs, percentages, penalties, allowances and other perquisites which are now, or may hereafter be allowed by law for the performance of official duty by the clerk, sheriff and probate judge of such county, or by the sheriff as special master commissioner, or as receiver in any case, shall belong to and be for the sole use of said clerk, sheriff and probate judge, respectively.

SECTION 6. That section ten of the above recited act shall be amended so as to read as follows:

Additional compensation for recorder, treasurer and auditor.

Sec. 10. Each of the officers herein mentioned in section one hereof, shall be allowed and paid monthly, in addition to the salary provided for herein in section one hereof, any balance remaining of one-half of the fees, costs, percentages, penalties, allowances and perquisites accruing to his office, and by him paid into the county treasury, after deducting therefrom an amount equal to one-half of the salaries paid to the assistants in his office; and the county auditor, after making the proper deduction, shall, on the second Monday of each month draw his warrant on the county treasurer in favor of such officer for the balance remaining of the said fifty per cent. so due him; and the amount so deducted from said fifty per centum shall be for the use and benefit of said county.

SECTION 7. That section thirteen of the above recited act be amended so as to read as follows:

Official bonds.

Sec. 13. The official bond required by law hereafter taken from any of said officers mentioned in section one hereof, shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all duties required thereby.

Repeals.

SECTION 8. That said original sections one, two, three, four, nine, ten and thirteen of the above recited act, be and the same are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 24, 1891.
38G

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[Senate Bill No. 485]

AN ACT

To authorize certain incorporated cities to issue bonds and levy a tax for the purpose of improving the grounds belonging and dedicated to said cities for park and other public purposes, and to provide for the purchase and improvement of grounds for manufacturing establishments in said cities.

Certain villages authorized to issue bonds for park and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation which by the federal census of 1880 had, and which by any subsequent census may have, a total population of three thousand nine hundred and forty, be and the same is hereby authorized to issue bonds not exceeding ten thousand dollars ($10,000), as hereinafter provided, for the following purposes, to-wit: To improve the grounds belonging and dedicated to such municipal corporation for park and other public purposes, and to provide for the purchase and improvement of grounds for manufacturing establishments in such municipal corporation. Said bonds to be issued in the year one thousand eight hundred and ninety-one, payable at such times, not less than ten years nor more than twenty years from the date thereof, as the council of said municipal corporation shall determine. Said bonds shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; shall be in denominations of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) as said council may direct, and shall not be sold for less than their par value and shall be issued and sold according to law.

Question of issue to be submitted to vote.

SECTION 2. That before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such municipal corporation at a special election to be held therein at such time as

the council of such municipal corporation shall appoint. For the purpose of submitting such proposition to a vote of such electors, the clerk of such municipal corporation, upon the passage of a resolution by such council for the purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such municipal corporation, whether English or German, at least ten days prior to the day of holding such election; such election shall be held at the city hall in said municipal corporation and the officers authorized to preside at such election shall be designated by said council. The poll-books and tally-sheets of such election shall be forthwith returned to the clerk of such municipal corporation, who with the president of said council shall, at any regular or special meeting of the council, and in the presence of a quorum of such council, proceed to canvass such vote, and the clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in such municipal corporation, and if it appear by the returns of such election that the proposition to issue bonds be approved by a two-thirds of those voting upon the proposition, such council shall have authority to issue such bonds for the purpose named, as provided in this act. The ballots voted at such election shall have written or printed thereon the words, "Authority to issue bonds—Yes;" "Authority to issue bonds—No."

Levy of tax.

SECTION 3. The council is hereby authorized to levy such tax additional to the taxes now authorized by law, upon the taxable property of such municipal corporation each year thereafter as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such [bonds] at maturity.

Expenditures, how made.

SECTION 4. The money realized from the sale of said bonds shall be expended under the direction of the park commissioners of such municipal corporation, but no expenditure shall be made until the same is approved by a committee of six tax-payers of said municipal corporation, three to be appointed by the council, and three to be appointed by the directors of the board of trade organized within said municipal corporation, which said appointments shall be made within thirty days from the passage of this act. The members of said committee shall serve during the continuance of said fund. Any vacancy in said committee from any cause shall be filled by the body making the appointment of the member or members causing such vacancy. Said committee shall be duly organized for the transaction of business, and four members thereof concurring shall be necessary to authorize any expenditure under this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 25, 1891.

39G

[House Bill No 1257.]

AN ACT

To provide that in cities of the third grade of the first class, special assessments shall be apportioned upon lots before approval of plats, that such assessments on platted property shall be apportioned upon lots, and that taxes and special assessments on any lot or parcel of land may b apportioned.

Special assessments in certain cities.

SECTION 1. *Be it enacted by the General Assembly of the Stat of Ohio*, That in cities of the third grade of the first class, be fore the common council shall accept the plat of any prop erty upon which, or any portion of which, there is a special assessment either due or to become due, the city civi engineer shall make an appointment [apportionment] of such special assessment among the different lots of such pla effected [affected] by such assessment, and that before such plat shall be accepted by the common council the owner o owners of any property so platted shall accept such apportion ment, and such apportionment shall be certified to th county auditor for collection against the several lots in such plat the same as other special assessments.

Apportionment of assessment.

SECTION 2. That in said cities of the third grade of the first class where any property has been platted upon which at the time of platting there was a special assessment due o to become due, the city civil engineer shall divide and ap portion to the different lots in any such plat any such specia assessment, and shall report such division and assessment to the common council for its approval, and such apportion ment as approved by the common council shall be certifie to the county auditor for collection against the several lots in such plat the same as other special assessments.

Apportionment of assessment when land or lot is subdivided, etc.

SECTION 3. That in said cities of the third grade of the first class, in case the owner or owners of any lot or parcel o land against which any taxes or special assessments hav been, or shall hereafter be levied, shall desire to divide an such lot or parcel of land, such owner or owners may file wit the auditor of the county a statement of the apportionmen of any such taxes or special assessments on any piece o parcel so divided, and such apportionment shall be binding o such owner or owners; and in case of a division or sale o any portion of any such lot or parcel of land, if the owner o owners shall not agree upon an apportionment of such taxe or special assessments thereon, then the county auditor shal have full power to make such apportionment; provided, how ever, that no division in this section authorized shall effect [affect] any lien for taxes or special assessments upon prop erty so divided.

SECTION 4. That this act shall take effect on its passage

A. C. ROBESON,
*Speaker pro tem. of the House of Representative*

WM. VANCE MARQUIS
*President of the Senate*

Passed February 25, 1891.

40G

[House Bill No. 1258.]

AN ACT

To authorize the trustees of water-works in cities of the third grade of the first class to purchase pumping engines for the use of water-works in such cities.

Certain cities authorized to purchase pumping engines for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the third grade of the first class the trustees of water-works be and they are hereby authorized and empowered to purchase pumping engines for the use of such water-works in such cities, the same to be paid for out of the income of such water-works, the time during which said income is to be so appropriated not to exceed the term of four years.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 25, 1891.
41G

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[House Bill No. 1259.]

AN ACT

To amend supplementary section 1692*a* of the Revised Statutes, as passed February 13th, 1882 (vol. 79, O. L., page 4).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplementary section 1692*a* of the Revised Statutes of Ohio, as passed February 13th, 1882 (vol. 79, O. L., 4), be amended so as to read as follows:

Regulation of smoke consumption and blowing of whistles in certain cities.

Sec. 1692*a*. That in all cities of the first class, such cities shall have the power to regulate and compel the consumption of the smoke emitted by the burning of coal, and to prevent injury and annoyance from the same; and shall also have the power to regulate or (and) prohibit the use of steam whistles by blowing or sounding the same, or causing steam whistles to be blown or sounded.

Repeals, etc.

SECTION 2. That said original supplementary section 1692*a*, as passed February 13th, 1882, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 25, 1891.
42G

[House Bill No. 1286.]

## AN ACT

To pay back one hundred dollars to the Conneaut water-works company, of Conneaut, Ashtabula county, Ohio.

Appropriation to reimburse Conneaut water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of one hundred dollars ($100) heretofore paid to the secretary of state of Ohio by the Conneaut water-works company, of Conneaut, Ashtabula county, Ohio, as incorporation fees, be and the same is hereby ordered paid, to Allen M. Cox, as attorney for said company. And the auditor of state is hereby directed to draw his warrant on the state treasurer of Ohio for said sum, to be paid out of any fund not otherwise appropriated.

SECTION 2. That the certificate of incorporation heretofore granted to said company is hereby annulled, and declared void and of no affect [effect].

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 25, 1891.
43G

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[Senate Bill No. 275.]

## AN ACT

To amend section 3981 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3981 of the Revised Statutes be so amended as to read as follows:

Vacancies in boards of education.

SEC. 3981. Vacancies in any board of education, except of a township district, arising from death, non-residence, resignation, expulsion for gross neglect of duty, failure of a person elected or appointed to qualify within ten days after the annual organization or after his appointment, or from other cause, which occurs more than fifteen days before the next annual election, the board shall fill, within ten days from the occurrence of the vacancy, until the next annual election, when a successor shall be elected to fill the unexpired term; any vacancy which occurs in a township board, from any of the causes aforesaid, shall be filled by the election of a clerk by the directors of the proper sub-district; and a clerk of a sub-district who is guilty of gross neglect of duty shall cease to hold his office, and a new election shall be held by the directors to fill such office.

Repeals, etc.

SECTION 2. That said original section 3981 be and the

same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
44G

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[Senate Bill No. 504.]

AN ACT

**To make available certain appropriations.**

Making available certain appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of section 2 of an act entitled "An act making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal [year] ending February 15, 1892," passed February 12, 1891, as provides that the money therein appropriated "shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1891," shall not apply to the appropriations therein contained for salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes, and for expenses of legislative committees.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
45G

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[House Bill No. 1117.]

AN ACT

**Making appropriations for support of common schools.**

Appropriation for support of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, the sum of one million eight hundred and eighty-eight thousand one hundred and forty-three dollars and sixty cents ($1,888,143.60), or so much as may come into the treasury for that purpose, to be distributed and paid in manner provided by law, agreeable to section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
46G

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[House Bill No. 1189.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds for water-works purposes.

Certain cities first class authorized to issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of city affairs of any city of the first grade of the first class, be and the same is hereby authorized to borrow, in behalf thereof, any sum not exceeding $200,000 to pay for engines and betterments in the water-works service of such cities. Said money shall be borrowed and paid into the water-works fund of said cities, in such amounts from time to time, as the board of city affairs may determine, and shall be expended by said board for such purposes according to law.

SECTION 2. For the payment of said loans, the board of city affairs shall issue the bonds of said city, signed by the president of said board and countersigned by the comptroller of said city, in sums not exceeding $200,000, in the aggregate, bearing interest at not more than 4 per cent. per annum, payable in not less than ten and not more than twenty years, at the option of said board of city affairs; said bonds to be of such denomination as said board may direct, and shall be sold at not less than par, and said sale shall be according to law. Said bonds and the interest upon them shall be redeemed and paid from the revenues of the water-works department of such city.

Redemption of bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
47G

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[House Bill No. 1217.]

AN ACT

Making appropriations to pay the principal and interest on the public debt, and interest on the irreducible debt, and expenses of the sinking fund commissioners.

Appropriation for interest and principal

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any

money that may be in the treasury, or that may come into the treasury, belonging to the sinking fund; the following sums for the purposes herein named: For payment of the principal of the funded debt, two hundred and fifty-one thousand and six hundred and sixty-five dollars ($251,665.00). For payment of interest on funded debt, seventy-six thousand two hundred dollars ($76,200.00) or so much thereof as may be necessary to pay the interest falling due July 1, 1891, and January 1, 1892. For the interest on the irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university, and Ohio state university, two hundred and seventy-four thousand six hundred and forty-eight dollars and seventy-five cents ($274,648.75). For payment of the expenses of the commissioners of the sinking fund, including salary of clerk, fifteen hundred dollars ($1,500.00). For New York exchange used in payment of matured bonds and interest, and for other expenses in making such payment, four hundred dollars ($400.00).

of the public debt and expenses sinking fund commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
48G

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[House Bill No. 1218.]

AN ACT

For the relief of Daniel J. Harry, district mine inspector, of Jackson, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state is hereby authorized to issue duplicate warrants in favor of Daniel J. Harry, district mine inspector, of Jackson, Ohio, No. 7264 for one hundred dollars and No. 7265 for forty-three dollars. Said original warrants were issued June 30, 1890, and were lost in the mail between Columbus and Jackson, Ohio.

For relief of Daniel J. Harry.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
49G

[House Bill No. 1315.]

AN ACT

To authorize villages in the state of Ohio, having at the last federal census a population of not less than 1,680, nor more than 1,685, to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in said villages.

Certain villages authorized to issue bonds in aid of manufactures.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the councils of villages having at the last federal census a population of not less than 1,680, nor more than 1,685, be and are hereby authorized to issue and sell the bonds of said villages, in any sum not exceeding $25,000, bearing interest not to exceed six per cent. per annum, payable annually, in denominations not less than $500, nor more than $1,000, the proceeds whereof shall be applied to the securing and encouraging of manufactures in said villages.

Question to be submitted to vote.

SECTION 2. Before said bonds or any part thereof shall be issued, the council of any such village shall provide by resolution for submitting the question of issuing the same to a vote of the qualified electors of such village, at the usual place of holding municipal elections, and the mayor of such village shall issue and publish in some newspaper of genera circulation in the corporation, for ten days previous to said election, his proclamation setting forth therein the time and place of holding said election, the purposes to which the proceeds of said bonds are to be applied, and the ballots to be voted at said election shall have written or printed thereon the words, "For issuing bonds—Yes," "For issuing bonds—No;" and if two-thirds of all the votes cast at said election shall be in favor of issuing said bonds, and shall be so certified by the judges of said election, the council may proceed to issue and sell said bonds, or any part thereof, at not less than their par value, and provide for the payment of the principal and interest thereof, at such time or times not exceeding twenty-five years as the council may designate, by levying on all the taxable property of any such village annually, a tax not exceeding four mills, in addition to the general levy now allowed by law for other purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
50G

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[Senate Bill No. 375.]

AN ACT

To authorize the payment of expenses of boards of health and sanitary officers and sanitary policemen in cities of the 1st grade, second class.

Expenses of boards of health and

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city auditor of any city of the first grade of

the second class is hereby authorized and empowered to pay the expenses incurred by the board of health, including the sanitary officers and sanitary policemen, out of the general expense fund of any such city.

sanitary officers in certain cities; how paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
51G

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[Senate Bill No. 453.]

AN ACT

For the benefit of Mrs. Barbara Zimmerman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of six hundred dollars ($600) be and the same is hereby allowed and appropriated to Mrs. Barbara Zimmerman, widow of Hon. John Zimmerman, the late member of the senate from the seventeenth and twenty-eighth districts, who died on the 29th day of December, 1890, the same being the amount which would have been due the said John Zimmerman for one year's service as member of this senate, and that the same be paid from any money in the treasury to the credit of the general revenue fund not otherwise appropriated.

Appropriation for benefit of Mrs. Barbara Zimmerman.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
52G

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[Senate Bill No. 500.]

AN ACT

To authorize certain cities herein designated to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in the said cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the fourth grade of the second class, which at the federal census of 1880 had, and at any subsequent census may have a population of six thousand and forty-six (6,046), be and the same is hereby authorized and empowered to issue the bonds of such city in any sum not exceeding fifty thousand dollars, in denominations not exceeding one thousand dollars each, bearing interest not exceeding six per cent. per annum, payable semi-

Manufacturing: certain cities authorized to issue bonds in aid of, etc.

annually, and payable at any time not exceeding twenty years from the date of their issue, as the council of said city may determine. Said bonds shall be sold at not less than their par value, and in all respects, not herein provided for, in accordance with the provisions of section 2709 of the Revised Statutes of Ohio.

Proceeds of bonds, how disposed of.

SECTION 2. The proceeds arising from the sale of said bonds, or any portion of them, shall be expended for the purpose of aiding and encouraging manufacturing establishments to locate in any such city, and a portion of the proceeds may be used to aid in establishing a college or seminary in said city.

Question of issue to be submitted to vote.

SECTION 3. Before the bonds herein provided for shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such city at a regular or special election, to be held at the usual places of voting in said city, and at such times as the council may determine. The tickets to be voted at such election shall have printed or written thereon, "Authority to issue bonds—Yes;" "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds or more of those voting thereon at such election, then said council, with the consent and approval of a board of control, hereinafter provided for, may issue and sell said bonds for the purpose named, and, as provided in this act; notice of such election shall be published in at least two newspapers published or circulating in said city, for not less than ten days prior to such election, which shall, in all respects not herein provided for, be managed and conducted as other municipal elections are, or may be required by law, to be managed and conducted in any such city.

Duty of council and probate court as to appointment of board of control, etc.

SECTION 4. If at such election the required number vote in favor of issuing said bonds, the council of such city shall present a written statement of its intentions to issue said bonds to the probate judge of the county in which such city is situated, who shall appoint a "board of control" for said city, which shall consist of six electors of said city, being freeholders therein, not more than three of whom shall belong to the same political party. Said "board of control" shall serve without compensation, and for such time as may be necessary to dispose of the proceeds of the sale of said bonds. All vacancies in said board shall be filled by appointment by said probate judge. The said city council shall not call said election, nor issue and sell said bonds, or any portion of them, until said board of control shall consent to the same, and no expenditure of the money arising from the sale of said bonds, or any portion of them, shall be made, or any contract be entered into for the purposes mentioned in this act by said city council, except with the consent and approval of said board of control.

Levy of tax.

SECTION 5. To pay the principal and interest of any of said bonds as the same shall become due, said city council is hereby authorized and empowered to levy a sufficient tax on all the taxable property of said city, in addition to all other taxes authorized by law. Said taxes shall be levied and collected as other taxes in said city.

Qualifications.

SECTION 6. That if the bonds herein provided for shall not be issued or disposed of within five years from the first day of April, 1891, then this act shall be null and void; and if, at the expiration of that time, there remains a portion of said bonds which have not been issued or disposed of, then that portion of said bonds shall be void and of no effect.

SECTION 7. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
53G

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[House Bill No. 1291.]

AN ACT

**Making appropriations to pay certain liabilities.**

Appropriation to pay cost of construction of gallery, etc., for general assembly, and certain other liabilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums of money, to pay certain liabilities, as hereinafter particularly mentioned, to-wit: To pay the expenses and liabilities incurred in building and providing an additional gallery and an additional committee room, as provided by the joint resolution adopted by the general assembly April 24, 1890, as follows:

To Nichol & Carr, two thousand one hundred and forty-three dollars ($2,143.00).

To Aston & Huff, three hundred and twenty-five dollars ($325.00).

To the Adams Express Company, eleven dollars and forty cents ($11.40).

To Dundon & Bergin, six hundred and eighty-nine dollars and four cents ($689.04).

To Carnegie, Phipps & Co., two hundred and twenty-eight dollars and sixty cents ($228.60).

To Engelke & Bigelow, forty-two dollars and eighty-eight cents ($42.88).

To Lewis Fink, one hundred and forty-two dollars ($142.00).

To James Westwater, one hundred and eighty dollars ($180.00).

To H. M. Woodard, thirty-nine dollars and forty-two cents ($39.42).

To James Clark, twenty-six dollars ($26.00).

To J. M. & W. Westwater, seventy-five dollars ($75.00).

To W. R. Kinnear & Co., sixty-five dollars ($65.00).

To J. L. Flowers, one hundred and eighty-three dollars and sixty-three cents ($183.63).

Appropriation to pay cost of construction of gallery, etc., for general assembly, and certain other liabilities.

To S. H. Helmer, sixty-three dollars and thirteen cents ($63.13).

To Charles A. Klie, two hundred and ninety-eight dollars and ninety-eight cents ($298.98).

To J. S. Abbott & Co., one hundred and fifty-five dollars and nine cents ($155.09).

To A. K. Kuhn, sixty-three dollars and seventy-five cents ($63.75).

To J. T. Harris, for services as architect, two hundred dollars ($200.00).

The moneys so appropriated shall only be paid out on vouchers approved by the speaker of the house of representatives, and when so approved, the auditor of state shall issue his warrants for the same upon the treasurer of state; and the appropriation made by said joint resolution shall be held to be rescinded and withdrawn.

SECTION 2. That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums of money to pay liabilities incurred by Frederick Blankner, third assistant sergeant-at-arms, in caring for the halls and rooms of the general assembly, and partly furnishing the same, as follows:

To A. K. Kuhn, for painting, fifty-six dollars and thirty-one cents ($56.31).

To J. L. Flowers, for work as carpenter, fifty-seven dollars and fifty cents ($57.50).

To S. H. Helmer, for work as carpenter, seventy-five dollars ($75.00).

To the Schwartz Plumbing and Stove Company, for plumbing, one hundred and fifty-nine dollars and eighty-five cents ($159.85).

To J. S. Abbott & Co., for hardware, two hundred and forty-six dollars and eighty cents ($246.80).

To Dundon & Bergin, for work, lumber and material, one hundred and fifty-six dollars and thirty-three cents ($156.33).

To Aston & Huff, for labor and material, twenty-four dollars and sixty cents ($24.60).

To Cass Harkins, for thermometer, two dollars and fifty cents ($2.50).

To W. R. Kinnear & Co., for labor on platform, eight dollars and seventy-five cents ($8.75).

To Moler & Bowland, for muslin and towels, sixteen dollars and five cents ($16.05).

To Charles Bryson & Co., for refinishing desks, chairs and settees, forty-five dollars ($45.00).

To A. H. Smythe, for stationery, fourteen dollars and forty-five cents ($14.45).

To A. L. Yardley, for wood and willow ware, etc., twenty-six dollars and twenty-five cents ($26.25).

Appropriation to pay cost of construction of gallery, etc., for general assembly, and certain other liabilities.

To Frank F. Bonnet, for repairing and winding clock, key rings and brass tags, ten dollars and eighty-five cents ($10.85).

To Lewis Fink, for labor, forty-eight dollars and sixty-five cents ($48.65).

To Lawrence, Butler & Benham, carpets, lining and material, one hundred and twenty-three dollars and thirty-eight cents ($123.38).

To George A. Gawler, for iron, iron work, material and labor, forty-five dollars and two cents ($45.02).

To Krauss & Meehan, for carpets, linoleum and materials, eight hundred and forty-nine dollars and ninety-four cents ($849.94).

To the Ohio Furniture Company, for sofas, couches, other furniture, labor and repairing, eight hundred and fifty-one dollars and fifteen cents ($851.15).

The moneys appropriated by this section of this act shall only be paid out on vouchers as approved by the said Frederick Blankner.

SECTION 3. That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums of money to pay certain liabilities as hereinafter more particularly mentioned, to-wit:

To the Standard Electric Company, for electrical supplies for the house of representatives, and labor at extra session, twelve dollars and twenty-five cents ($12.25).

To the Franklin Electric Supply Company, for electrical supplies and labor for the hall of the house of representatives, one hundred and twenty-seven dollars and twenty-eight cents ($127.28).

To the Columbus Electric Light Company, for electric wiring senate chamber, hall of house of representatives, two committee rooms and two offices, six hundred and forty-two dollars ($642.00).

To the Westinghouse Electric and Manufacturing Company, for two special marble switch boards, one hundred and seventy dollars ($170.00).

To Benjamin F. Thomas, for preparing specifications and superintending electric wiring of the halls of the senate and house of representatives, one hundred and fifty dollars ($150.00).

The above five items shall only be paid out on vouchers approved by the said Frederick Blankner.

To pay the city of Columbus for grading and paving on Town street at the institution for the deaf and dumb, two thousand one hundred and twenty-three dollars and thirty-nine cents ($2,123.39).

To pay the city of Columbus for grading the sidewalks upon Woodruff avenue, south side, from High street to Doe alley (at Ohio state university), three hundred and ten dollars and sixty cents ($310.60).

Appropriation to pay cost of construction of gallery, etc., for general assembly, and certain other liabilities.

To the Columbus Edison Electric Light Company, for wiring for temporary light, and eight porcelain shades for office of auditor of state, forty-seven dollars and eighty cents ($47.80).

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
54G

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[House Bill No. 683.]

## AN ACT

To provide for the punishment of furnishing, giving or using any false pedigree or false certificate of sale.

False pedigree or certificate of sale of stock: penalty for furnishing or using.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who shall knowingly and willfully furnish or [to] give a purchaser of any animal any false pedigree or any false certificate of sale of such animal, and every person who shall knowingly and willfully use for the purpose of deceiving, any false pedigree or false certificate of sale of any animal, whether such false pedigree or false certificate of sale was furnished, given or procured in this state or elsewhere, shall upon conviction thereof, be punished by fine in any sum not less than twenty-five nor more than five hundred dollars or be imprisoned in the county jail for a term not exceeding six months, or both fine and imprisonment in the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 2, 1891.
55G

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[House Bill No. 716.]

## AN ACT

Supplementary to section 2573 of the Revised Statutes.

Public halls, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2573 of the Revised Statutes of Ohio, as follows:

"Shops and factories" defined.

Sec. 2573*d*. The term "shops and factories," as used in sections 2573*b* and 2573*c* of the Revised Statutes of Ohio, shall be held to include the following: Manufacturing, mechani-

cal, electrical, mercantile, art and laundrying establishments, printing, telegraph and telephone offices, and hotels. And in case it is found on an inspection under section 2573c that the means of egress in case of fire or other disaster is not sufficient in any shop or factory as defined herein, the owner or agent for the owner of such building may be required by the state inspector, upon the notice and under the penalties of said section 2573c to provide the necessary fire escapes. Fire escapes.

SECTION 2. This act shall take effect and be in force from and after the date of its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 2, 1891.
56G

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[House Bill No. 790.]

AN ACT

To amend section 5521 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5521 of the Revised Statutes of Ohio be amended so as to read as follows: Grounds of attachment:

Sec. 5521. In a civil action for the recovery of money, the plaintiff may, at or after the commencement thereof, have an attachment against the property of the defendant, upon the grounds herein stated: Grounds upon which plaintiff may have attachment.

1. When the defendant, or one of several defendants, is a foreign corporation, or a non-resident of this state; or,
2. Has absconded, with the intent to defraud his creditors; or,
3. Has left the county of his residence to avoid the service of a summons; or,
4. So conceals himself that a summons can not be served on him; or,
5. Is about to remove his property, or a part thereof, out of the jurisdiction of the court, with the intent to defraud his creditors; or,
6. Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or,
7. Has property, or rights in action, which he conceals; or,
8. Has assigned, removed, disposed of, or is about to dispose of his property, or a part thereof, with the intent to defraud his creditors; or,
9. Has fraudulently or criminally contracted the debt, or incurred the obligation, for which suit is about to be or has been brought.

But an attachment shall not be granted on the ground that the defendant is a foreign corporation or a non-resident of this state for any other claim other than a debt or demand arising upon contract, judgment, or decree, or for causing death or a personal injury by a negligent or wrongful act.

Repeals, etc.

SECTION 2. That said original section 5521, be, and the same is hereby repealed; and this act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 2, 1891.
57G

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[House Bill No. 1007.]

## AN ACT

**To amend section 2709 of the Revised Statutes, as amended April 24th, 1890.**

Power to borrow money, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2709 of the Revised Statutes, as amended April 24th, 1890, be so amended as to read as follows:

Municipal bonds to be first offered to sinking fund trustees, etc.

Sec. 2709. Whenever any municipal corporation issues its bonds, it shall first offer them at par and accrued interest to the trustees or commissioners, in their official capacity, of the sinking fund, or, in case there are no such trustees or commissioners, to the officer or officers of such corporation having charge of its debts, in their official capacity, and only after their refusal to take all or any of such bonds at par and interest, bona fide for and to be held for the benefit of such corporation sinking fund or debt, shall such bonds, or as many of them as remain, be advertised for public sale. In

Not to be sold for less than par,

no case shall the bonds of the corporation be sold for less than their par value; nor shall such bonds when so held for the benefit of such sinking fund or debt be sold except when necessary to meet the requirements of such fund or debt. All sales

And to the highest bidder

of bonds, other than to the sinking fund, by any municipal corporation, shall be to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in the county where such municipal corporation is situated, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale. Additional notice may be published outside of such county by order of the corporation council; provided,

When bonds may be sold at private sale in certain cities.

however, that in cities of the third grade of the first class when any such bonds have been twice so advertised and offered for public sale, and the same, or any part thereof, remain unsold, then said bonds, or as many as remain unsold, may be sold at private sale, at not less than their par value, under the direction of the mayor and the officers and agents of the corporation by whom said bonds have been or shall be prepared, advertised and offered at public sale.

Repeals, etc.

SECTION 2. Said amended section 2709 is hereby repealed,

and this act shall take effect and be in force from and after its passage, but no pending advertisement now offering bonds for sale shall be affected by its provisions.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 2, 1891.
58G

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[House Bill No. 1032.]

AN ACT

To provide for a police court in cities of the first grade of the second class and to amend sections 1797 and 1814 and to supplement section 1785.

Police court:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to section 1785 of the Revised Statutes of Ohio:

Providing a police court in certain cities.

Sec. 1785*a*. In cities of the first grade of the second class there shall be a court held by the police judge, which court shall be styled the police court and be a court of record. The provisions of the Revised Statutes and the amendments thereto relating to police courts and the officers thereof, not inconsistent with this act, are hereby made applicable to police courts and the officers thereof in cities of the first grade of the second class.

Election of police judge and prosecuting attorney.

Sec. 1785*b*. In such cities of the first grade of the second class there shall be chosen by the electors, at the first annual municipal election after the passage of this act, a police judge and prosecuting attorney of the police court, each of whom shall serve for the term of three years and until their successors are elected or appointed and qualified, and thereafter as the terms of such officers expire, their successors shall in like manner be elected to serve for three years; vacancies shall be filled by the mayor for the unexpired term. In such cities the secretary of the board of police commissioners shall be ex-officio clerk of the police court.

SECTION 2. That section 1797 of the Revised Statutes be so amended as to read as follows:

Salary of police judge.

Sec. 1797. The judge of the police court shall receive no fees or perquisites, but shall receive such annual compensation, not exceeding two thousand dollars, as the council may prescribe, payable quarterly out of the city treasury, and such further compensation payable out of the county treasury, as the commissioners of the county may deem proper; but in cities of the first grade of the first class such judge shall receive not less than fifteen hundred dollars a year from the city treasury, and not less than fifteen hundred dollars a year from the county treasury; and in cities of the first grade of the second class, such judge shall receive a salary of two thousand dollars per year, payable monthly, out of the city treasury; and nothing in this section shall prohibit any police

judge from receiving the fees from [for] taking the acknowledgment of instruments, depositions and affidavits which are allowed to justices of the peace for like service.

SECTION 3. That section 1814 of the Revised Statutes be so amended as to read as follows:

Salary of prosecuting attorney.

Sec. 1814 He shall receive for his services in city cases such salary as the council [may] prescribe, which shall be paid out of the city treasury; and the county commissioners shall allow him such further compensation as they may deem proper, not exceeding eight hundred dollars per annum, which shall be paid out of the county treasury; but in cities of the first grade of the second class the prosecuting attorney shall receive an annual salary of fifteen hundred dollars payable monthly out of the city treasury.

Repeals.

SECTION 4. That said section[s] 1797 and 1814 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 2, 1891.
59G

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[Senate Bill No. 387.]

## AN ACT

To authorize any city of the fourth grade of the second class, which at the federal census of 1880 had, or which at any subsequent federal census may have a population of not less than eight thousand four hundred and fifty (8,450), nor more than eight thousand four hundred and seventy (8,470), to issue bonds for street improvement and sewerage purposes.

Certain cities authorized to issue bonds for street improvement and sewer purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the fourth grade of the second class, which at the federal census of 1880 had, or which at any subsequent federal census may have a population of not less than eight thousand four hundred and fifty (8,450) nor more than eight thousand four hundred and seventy (8,470), be and it is hereby authorized and empowered to issue the bonds of such city in an amount not to exceed fifty thousand ($50,000) dollars, for street improvement and sewerage purposes, in such city. Said bonds shall be issued in such denominations, not exceeding one thousand dollars ($1,000) each, shall bear interest at such rate not to exceed five per cent. per annum, payable annually or semi-annually, and shall be payable at such place and times, not to exceed twenty years from their date, as council may determine, and shall be made, issued and disposed of in all respects as provided by law. Twenty-five thousand dollars ($25,000) in amount of said bonds shall be issued and the proceeds used only for the purpose of con-

structing a main trunk intercepting sewer to carry off the sewerage of such city. Twenty-five thousand dollars ($25,000) in amount of said bonds shall be issued and the proceeds used only for street improvement purposes, to-wit: To pay the cost of intersections, and the city's proportion as provided by law of the remaining cost of the improvement of the streets of such city. And no part of the proceeds of said bonds shall be used for opening, widening or straightening any street or alley; provided, no more than five thousand dollars ($5,000) in amount of said street improvement bonds shall be issued in any one year.

Levy of tax.

SECTION 2. Commencing with the year 1891 the council shall, annually, levy on the taxable property of the city a tax not exceeding one mill in each year to pay the principal and interest for the bonds as the same shall mature, which tax may be in excess of the maximum now allowed by law. Provided, however, that before issuing the bonds or levying the tax authorized by this act, the council shall submit the question of such bonding and taxation to the qualified voters of such city at the next regular municipal election after the passage of this act, at least ten days' notice of such submission to be given by publication in two newspapers of opposite politics of the city. Those voting in favor of such bonding and taxation shall have written or printed on their ballots "Street improvement and sewerage bonds—Yes;" and those opposed thereto shall have written or printed on their ballots "Street improvement and sewerage bonds—No." If a majority of those voting on said question at the election shall be in favor of such bonding and taxation, the council may issue the bonds and levy the tax as above provided, but otherwise not.

Question of issue to be submitted to vote.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
60G

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[House Bill No. 471.]

AN ACT

To amend section 6968 of the Revised Statutes of Ohio, as amended April 24, 1890.

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6968 of the Revised Statutes of Ohio, as amended April 24, 1890, be amended so as to read as follows:

Unlawful catching and killing of fish.

Sec. 6968. No person shall draw, set, place, locate or maintain any pound-net, seine, trap or fish-net, in Lake Erie, nor in Sandusky bay, nor in Maumee bay, as far up as Maumee bridge, nor in Portage bay, as far up as Oak Harbor bridge,

[House Bill No. 998.]

AN ACT

To require the Ohio dairy and food commissioner to give bond.

Dairy and food commissioner to give $5,000 bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Ohio dairy and food commissioner before entering upon the discharge of his official duties, shall give bond in the sum of five thousand dollars to the state, with two or more sureties to the acceptance of the governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond with his oath of office indorsed thereon, shall be filed with the secretary of state.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
66G

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[House Bill No. 1200.]

AN ACT

To authorize the village council of any village which had at the federal census of 1880 or which at any subsequent federal census may have a population of not less than three thousand three hundred and nine nor greater than three thousand three hundred and twenty, to borrow money and issue bonds for the purpose of making certain improvements.

Certain villages authorized to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village which at the federal census of 1880 had, or which at any subsequent federal census may have, a population not less than three thousand three hundred and nine nor greater than three thousand three hundred and twenty, be and said council is hereby authorized to issue bonds in any sum not exceeding one hundred thousand dollars in denominations not exceeding one thousand dollars each, bearing interest not to exceed six per cent. per annum, payable semi-annually, to be designated as improvement bonds, and to be payable in not less than ten nor more than thirty years from their date, as said village council may determine.

Issue of bonds to be voted on.

SECTION 2. Said bonds shall not be issued by said council until the question shall have first been submitted to a vote of the qualified electors of said village at a regular or special election, of which notice shall be given by publication in some newspaper of said village, and at said election

favor of issuing said bonds shall have written or printed on their ballots the words "Issue of improvement bonds—Yes;" and all voters desiring to vote against said issue of bonds shall have written or printed on their ballots the words "Issue of improvement bonds—No;" and if two-thirds of said votes cast at such election be in favor of the issue of such bonds, then said council may proceed as authorized by this act, and not otherwise.

As to sale and proceeds of said bonds.

SECTION 3. Provided the authority to issue said bonds is ratified by the electors of said village, as provided for in section 2 of this act, said bonds shall be sold for not less than their par value, and the proceeds thereof shall be placed in the village treasury, to be expended in extending the limits of said incorporated village, opening, widening and extending the streets and alleys thereof, as well as repairing and improving the same, and for the purchase and improvement of real estate for park and other purposes for the use of said village.

How paid out.

SECTION 4. The proceeds of the sale of said bonds shall be paid out upon the appropriation and order of the village council for the purposes aforesaid, subject, however, to the approval and control of the village improvement board hereinafter provided for.

How improvement board appointed.

SECTION 5. The court of common pleas of Portage county at its next ensuing term shall appoint six electors of said village, not more than three of whom shall belong to any one political party, to be styled a "village improvement board," and all the appropriations made by the village council under this act shall be submitted to and passed upon and approved by a majority of said board, and it shall be unlawful to appropriate or pay out any of said money for any purpose until such approval is filed in writing in the office of the clerk of said village.

Term of office.

SECTION 6. The members of said board of improvements shall serve without pay, and until the funds arising from the sale of said bonds shall have been expended, but may be removed for cause by said court, and any vacancy occurring in said board by resignation or removal, or from any other cause, shall be filled by appointed [appointment] by said court of common pleas at the next ensuing term thereof, and in such manner as that not more than three members thereof shall be of the same political party.

Village council authorized to purchase and convey real estate hereunder.

SECTION 7. The village council of said village is hereby authorized to sell at public or private sale for such price and on such terms as they may see fit, and duly convey to purchasers so much of the present or hereinafter acquired real estate belonging to said village for park or other purposes as they may, by ordinance determine to sell, and may lease for such time and upon such terms as said council shall, by ordinance, determine, so much of said real estate as they may see fit; provid[illegible]r, that each sale or lease shall be subject to the [illegible] said village improvement board in the [illegible] provided, and no such sale or lease [illegible]ich approval.

Repeals.

SECTION 2. That said section 2122 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
62G

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[House Bill No. 862.]

AN ACT

To abandon the Wabash and Erie canal in Paulding county.

Wabash and Erie canal: abandonment of, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Wabash and Erie canal, from the bulk-head of Six-mile reservoir to one foot below the lock one mile west of the junction of the Miami and Erie canal, and the Wabash and Erie canal, all in Paulding county, Ohio, be and the same hereby is abandoned.

Reversion of land.

SECTION 2. And the land occupied by said canal towing path and berme banks in total shall be transferred to the commissioners of Paulding county, and their successors in office for the use of Paulding county for road, ditch and public purposes, upon completion of such terms as the board of public works and the said commissioners may agree upon.

SECTION 3. This act shall take effect and be in force from and after the first day of June next.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
63G

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[House Bill No. 960.]

AN ACT

To amend sections 1256 and 1257 of the Revised Statutes of Ohio.

Clerk common pleas court:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1256 and 1257 of the Revised Statutes of Ohio be amended so as to read as follows:

Index to be made within six months.

SEC. 1256. The index required by the preceding section shall be made within six months from the passage of this act, and thereafter all new suits shall be so indexed at the time of the filing of the petition and all judgments at the time of the filing of the rendition, revival or a transcript thereof; provided, however, that whenever the court of common pleas of any county containing a city of the second grade, first class, shall direct, the clerk of said court shall make a re-index, in the

manner provided in the preceding section, of all pending suits and living judgments, then on the dockets of any or all of said courts, in which said re-index all new suits shall be so indexed at the time of the filing of the petition and all judgments at the time of the filing of the rendition, revival or a transcript thereof.

Proviso as to counties containing a city of second grade first class.

Sec. 1257. The clerk shall receive the same fee for making such indexes, as is provided by law for making indexes to judgments, and whenever any such re-index is made by him, by the order of the court, as provided in the preceding section, the clerk shall receive for re-indexing each pending suit and each living judgment then upon the dockets of any of said courts, and actually re-indexed by him, the sum of fifteen cents, payable out of the county treasury.

Compensation of clerks.

SECTION 2. That sections 1256 and 1257 of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect from its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
64G

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[Senate Bill No. 212.]

## AN ACT

*To provide for the distribution of the members of the boards and employes of the public institutions of the state.*

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That not more than ten per cent. of the officers and employes of any of the public institutions of this state, which are controlled exclusively by the state shall, at the time of their appointment or employment, be residents of the same county; and all appointments or employments hereafter made in contravention of this section, are hereby declared inoperative and void from and after the passage of this act, and hereafter such appointments and employments in the aggregate shall be so made as to equitably distribute all such employes and appointees throughout the state.

Not exceeding ten per cent. of officers and employes to be from same county, as that in which institution is located.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
65G

[House Bill No. 998.]

AN ACT

To require the Ohio dairy and food commissioner to give bond.

Dairy and food commissioner to give $5,000 bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Ohio dairy and food commissioner before entering upon the discharge of his official duties, shall give bond in the sum of five thousand dollars to the state, with two or more sureties to the acceptance of the governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond with his oath of office indorsed thereon, shall be filed with the secretary of state.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
66G

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[House Bill No. 1200.]

AN ACT

To authorize the village council of any village which had at the federal census of 1880 or which at any subsequent federal census may have a population of not less than three thousand three hundred and nine nor greater than three thousand three hundred and twenty, to borrow money and issue bonds for the purpose of making certain improvements.

Certain villages authorized to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village which at the federal census of 1880 had, or which at any subsequent federal census may have, a population not less than three thousand three hundred and nine nor greater than three thousand three hundred and twenty, be and said council is hereby authorized to issue bonds in any sum not exceeding one hundred thousand dollars in denominations not exceeding one thousand dollars each, bearing interest not to exceed six per cent. per annum, payable semi-annually, to be designated as improvement bonds, and to be payable in not less than ten nor more than thirty years from their date, as said village council may determine.

Issue of bonds to be voted on.

SECTION 2. Said bonds shall not be issued by said council until the question shall have first been submitted to a vote of the qualified electors of said village at a general or special election, of which not less than ten days' notice shall be given by publication in some newspaper of general circulation in said village, and at said election all those desiring to vote in

favor of issuing said bonds shall have written or printed on their ballots the words "Issue of improvement bonds—Yes;" and all voters desiring to vote against said issue of bonds shall have written or printed on their ballots the words "Issue of improvement bonds—No;" and if two-thirds of said votes cast at such election be in favor of the issue of such bonds, then said council may proceed as authorized by this act, and not otherwise.

As to sale and proceeds of said bonds.

SECTION 3. Provided the authority to issue said bonds is ratified by the electors of said village, as provided for in section 2 of this act, said bonds shall be sold for not less than their par value, and the proceeds thereof shall be placed in the village treasury, to be expended in extending the limits of said incorporated village, opening, widening and extending the streets and alleys thereof, as well as repairing and improving the same, and for the purchase and improvement of real estate for park and other purposes for the use of said village.

How paid out.

SECTION 4. The proceeds of the sale of said bonds shall be paid out upon the appropriation and order of the village council for the purposes aforesaid, subject, however, to the approval and control of the village improvement board hereinafter provided for.

How improvement board appointed.

SECTION 5. The court of common pleas of Portage county at its next ensuing term shall appoint six electors of said village, not more than three of whom shall belong to any one political party, to be styled a "village improvement board," and all the appropriations made by the village council under this act shall be submitted to and passed upon and approved by a majority of said board, and it shall be unlawful to appropriate or pay out any of said money for any purpose until such approval is filed in writing in the office of the clerk of said village.

Term of office.

SECTION 6. The members of said board of improvements shall serve without pay, and until the funds arising from the sale of said bonds shall have been expended, but may be removed for cause by said court, and any vacancy occurring in said board by resignation or removal, or from any other cause, shall be filled by appointed [appointment] by said court of common pleas at the next ensuing term thereof, and in such manner as that not more than three members thereof shall be of the same political party.

Village council authorized to purchase and convey real estate hereunder.

SECTION 7. The village council of said village is hereby authorized to sell at public or private sale for such price and on such terms as they may see fit, and duly convey to purchasers so much of the present or hereinafter acquired real estate belonging to said village for park or other purposes as they may, by ordinance determine to sell, and may lease for such time and upon such terms as said council shall, by ordinance, determine, so much of said real estate as they may see fit; provided, however, that each sale or lease shall be subject to the approval of the said village improvement board in the manner herein before provided, and no such sale or lease shall be valid without such approval.

Tax to be levied to pay bonds issued hereunder.

SECTION 8. Said village council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds when the same become due, said taxes to be levied and collected in the same manner as taxes for other purposes are levied and collected.

SECTION 9. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
67G

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[House Bill No. 1215.]

AN ACT

To authorize the board of education of any city of the second class of the second grade to borrow money and issue bonds therefor for the purpose of erecting a high school building and district school buildings and purchasing sites therefor.

Boards of education in certain cities may issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any city of the second class of the second grade be and it is hereby authorized to borrow money and issue bonds therefor in any sum not exceeding the sum of three hundred thousand dollars, for the purpose of erecting a high school building and district school buildings and purchasing sites therefor.

How to be issued and when payable.

SECTION 2. Said bonds shall be issued in sums of not less than five hundred dollars, shall bear interest not exceeding five per cent. per annum, payable semi-annually, and shall be due and payable at such times as the board may determine, not exceeding fifteen years from the date thereof. Said bonds shall not be sold at less than their par value and accrued interest, if any.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
68G

[House Bill No. 1377.]

## AN ACT

**To authorize an additional levy for school purposes in certain special school districts in any county having at the last federal census a population of not less than 21,900 nor more than 22,000.**

Boards of education in certain special school districts authorized to levy a tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any special school district, containing an incorporated village, and which is located in any county having at the last federal census a population of not less than 21,900 nor more than 22,000 inhabitants, or which may hereafter have such, be and they are hereby authorized to levy, for the contingent fund of such district, a tax, in addition to other taxes authorized by law, not to exceed three mills on each dollar of valuation of taxable property in such special school district. Such levy may be made each year for five years next ensuing, and shall be collected as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
69G

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[House Bill No. 1403.]

## AN ACT

**To provide a more efficient government for cities having a population of not less than 33,000 and not more than 34,000 inhabitants.**

Board of elections in certain cities authorized to redistrict into wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all municipal corporations which, according to the federal census of 1890 had, or which according to any subsequent federal census, shall have not less than 33,000 nor more than 34,000 inhabitants, the board of elections for such city shall, within four days after the passage of this act, redistrict said city into wards, bounded by streets, alleys, avenues, public grounds, water-courses, corporation lines, center lines of platted streets or railroads, and composed of adjacent and compact territory, containing as nearly an equal number of inhabitants as may be practicable, and consecutively numbered.

Notice required and how given.

SECTION 2. The board of elections shall give notice of the proposed division of such city into wards, by publication for three days in two daily newspapers of general circulation in the corporation, and the board shall sit a part (the hours to be designated in said printed notice) of each of the last two of said days at the office of the board of elections, to hear and consider any complaints, objections or petitions that may be made against the proposed division. Upon the day after the

last publication of notice in this section provided for, the said board of elections shall, by a yea and nay vote, determine the final division of the city into wards, but the affirmative votes of not less than three members of the board shall be necessary to such determination, and such affirmative vote shall, without further notice, make complete such division of wards. The said board of elections shall forthwith cause a plat of the wards as finally adopted to be made, with a description of the boundaries of the same, and when certified by the board, to be deposited with the city clerk who shall immediately record the same in the record book of the general ordinances.

Effect of such redistricting.

SECTION 3. The division made by the said board of elections shall have the same force and effect as if made by ordinance of council, and the division of wards so made shall not be changed until after the third annual municipal election next after such redistricting.

Costs.

SECTION 4. The cost and expense of such redistricting, including a reasonable compensation to said board of elections for its services in connection therewith shall be paid out of the city treasury.

Board to fix time for registration.

SECTION 5. The board of elections in all such cities to which new territory has recently been annexed and which shall be redistricted into wards in accordance with the provisions of this act, is hereby authorized to fix such times for the registration of the voters of said city prior to the election on April 6th, 1891, in addition to the times now provided by law, as said board shall deem necessary for the full and effective registration of the voters of said city.

As to city officers.

SECTION 6. The officers of all such cities as provided for by this act shall consist of a mayor, a marshal, except as hereinafter provided; a city solicitor, a street commissioner, a city treasurer, except as provided in R[evised] S[tatutes,] section 1708, for cities of the third grade of the first class, all of which officers shall be chosen by its electors, and four city commissioners, who shall be electors of said city to be denominated the board of city commissioners, who shall be chosen by the mayor and probate judge of the county, as hereinafter provided; and also a city clerk who shall be elected by the council. And the council may, when in its opinion expedient, create by ordinance the office of the chief of police, civil engineer, sealer of weights and measures, fire engineer and superintendent of markets, and provide their compensation, but when such offices are created, they shall be filled by appointment by the board of city commissioners; provided, that the council may, when in its opinion expedient, abolish by ordinance the office of city marshal, and that all officers heretofore and hereafter elected shall be allowed to serve the terms for which they are chosen.

How board appointed.

SECTION 7. The board of city commissioners provided for herein, shall be appointed by the mayor and probate judge of the county, immediately after the organization of the city council in April, 1891, two for the term of one year, and two for the term of two years; two members of said board, one for the long and one for the short term, shall be appointed

from the political party which cast[s] the highest number of votes at the last municipal election, and two from the political party which cast the next highest number of votes at said election; and immediately after the organization of council in each year thereafter the mayor and probate judge of the county shall appoint successors to the members of said board, whose terms in that year expire, but no more than two members of said board of city commissioners shall be members of the same political party at any time. The members of said board shall serve until their successors are appointed and have qualified. No person holding any federal, state, county or municipal office, councilmen of the city, or employe at any time of the city departments shall be eligible to appointment upon said board of city commissioners.

Members of board to give bond.

SECTION 8. Each member of said board of city commissioners shall give bond, with at least three sureties to the satisfaction of council, in the sum of $15,000, for the faithful performance of his duties, and before entering upon his duties shall take and subscribe an oath which shall be endorsed upon his bond, to support the constitution of the United States, and the state of Ohio, to obey the laws and in all his official actions and judgments to aim only to secure and maintain an honest and efficient administration of public affairs.

Compensation.

SECTION 9. The members of the board of city commissioners shall devote their time and attention to the duties of their office, and shall receive as compensation a salary of $1,800 per annum, payable in monthly installments and no other compensation shall be allowed. The council shall furnish suitable office, furniture and office supplies for the use of the board of city commissioners. The city solicitor shall be the legal adviser of the board of city commissioners, but the board may retain and employ additional counsel when necessary in their opinion, which shall be paid by the city upon presentation of bills approved by the board.

Organization of board.

SECTION 10. The board of city commissioners upon their appointment and annually thereafter, shall organize by the election of one of their number as chairman, and one as vice-chairman and a clerk, who shall not be a member of the board, whose compensation shall be fixed by the board, but shall not exceed the sum of $1,000 per annum, and who may be removed at the pleasure of the board, and his successor elected for the unexpired term. The clerk shall have charge of the office, keep the records of the board and perform such other duties as the board may from time to time determine, and he shall give a bond in the sum of $5,000 for the faithful performance of his duties.

Powers and duties of board.

SECTION 11. A member of the board of city commissioners may be removed for incompetency, inefficiency, neglect of duty or any malfeasance in office, by a vote of two-thirds of all members elected to the council, as now provided by law. The board shall hold regular daily meetings, and three members shall constitute a quorum for the transaction of business, the yeas and nays shall be called and entered upon

a journal, upon the passage of every resolution or order of any kind; and no resolution, order, appointment or business transaction shall be valid unless three votes are cast and recorded in its favor. The board shall keep a complete record of all its proceedings and a copy from its record certified by the clerk of the board, shall be competent evidence in all courts. The board shall adopt such rules and regulations for the transaction of business, as may be necessary. Except as otherwise provided in this act the board of city commissioners shall have the care, management and control of streets, avenues, alleys, highways, public grounds, parks and public cemeteries and the platting, opening, improving, repairing, cleaning and lighting the same; of the construction, protection, and repair of public buildings, bridges and structures of every kind, of sewers and drainage, of making and preserving all surveys, maps, plans, drawings and estimates relating to the public work under the charge of said commissioners, and of all matters and things in any way relating to, or affecting the highways and footways of the corporation. The police force of the city, the officers, employes, and property connected therewith, police telegraphs, telephones and signals, sealing of weights and measures, and inspection of food shall be under the administration of the board of city commissioners, and all police officers and night watchmen and other officers necessary to an effective administration of the powers conferred by this section, shall be appointed by the board of city commissioners under such rules and requirements as to physical and other fitness as the board shall adopt, and after such appointment shall hold their appointment during good behavior, subject to suspension or removal at the pleasure of the board for cause entered upon the record book. The board of city commissioners may, in cases of emergency, upon the application of the mayor, appoint such number of special policemen as may be necessary, which appointments shall be recorded, and during their service such special appointees shall possess the powers and perform the duties of regular policemen and shall receive the same compensation as other policemen.

**Board shall manage and control fire department.**

SECTION 12. The fire force of the city, the officers, employes and property connected therewith, the fire telegraph, signals and fire alarms, and the inspection of buildings, boilers, elevators, fire escapes and all matter relating to the fire service shall be under the management, control and administration of the board of city commissioners, and all officers and members of the fire force shall be appointed by the board of city commissioners, under such rules and requirements as to physical and other fitness as the board may adopt, and shall after such appointment hold their office during good behavior, subject to suspension or removal at the pleasure of the board, for cause entered upon the record. Subject to the provision of this act in reference to contracts, the board of city commissioners shall purchase all necessary fire engines, either steam or hand, hose carriages and all such other apparatus and instruments as shall be deemed necessary for the extinguishing of fires, and establish lines of fire alarm

telegraph within the limits of the corporation, and fix fire limits, and shall cause to be erected all necessary and suitable buildings for containing fire engines, hose carriages and fire apparatus.

Duties of certain city officers.

SECTION 13. The civil engineer and street commissioner and city clerk and city marshal shall perform such duties as may be prescribed by the board of city commissioners, or by ordinance of the corporation not incompatible with the nature of their office, and they shall receive such compensation as may be provided by ordinance of council. The city solicitor shall receive such compensation for additional service rendered to the board of commissioners as the board may determine, the same to be paid by the city on presentation of bills approved by the board. The city clerk shall furnish to the board of city commissioners and the council on or before the first Monday of April of each year the following statements:

(*a*). A statement showing the balance standing to the credit or debit of the several funds on the city balance sheet at the end of the last fiscal year immediately preceding said first Monday of April.

(*b*). A statement showing the monthly expenditure out of each fund in the twelve months of the fiscal year immediately preceding said first Monday of April.

(*c*). A statement showing the annual expenditure from each fund for each of the two years next preceding said first Monday of April.

Contracts involving certain amounts to be in writing, etc.

SECTION 14. All contracts involving more than $500 in amount shall be in writing, signed and executed in the name of the city by the board of city commissioners and approved by the council before they are binding on the city. No contract involving an expenditure to exceed $500 in amount shall be made without advertising for proposals in accordance with the next following section of this act. When money therefor has been already appropriated by the council, the board of city commissioners may contract for and make such purchase, but all such contracts shall be reported to the city clerk. When the corporation makes an improvement or repair, the cost of which will exceed $500, it shall proceed as follows:

(*a*). It shall advertise for bids for a period of two weeks, or if the estimated cost exceed $5,000, four weeks, in two newspapers of general circulation, and the same shall be paid for at not exceeding 50 cents per square for each legal publication, provided, that if either of such newspapers shall refuse to publish such advertisements, the publication thereof in one newspaper shall be deemed sufficient.

(*b*). The bids shall be filed with the board of city commissioners, sealed up by twelve o'clock at noon of the last day as stated in the advertisement.

(*c*). The bids shall be opened at twelve o'clock at noon on the last day for filing the same by the board of city commissioners and publicly read by the officer opening the same,

filed in the office of the board of city commissioners a
reported to the council at the next regular meeting thereaft
and copies of all bids shall be kept in a book provided
that purpose.

(*d*). Each bid shall contain the full name of every p
son interested in the same and shall be accompanied by
sufficient bond of some disinterested person or persons re
dent of the county, or a certified check on a solvent bank
such city for such an amount and upon such terms as m
be prescribed by the board of city commissioners, that if t
bid is accepted the contract will be entered into and the p
formance of it properly secured.

(*e*). If the work bid for, embraces both labor and ma
rial, they shall be separately stated, with the price there

(*f*). None but the lowest and best responsible bid sh
be accepted when such bids are for labor and material sep
rately. But the board of commissioners may at its discretio
reject all the bids or accept any bid which may be the low
aggregate cost.

(*g*). The contract shall be between the corporation a
the bidder, and the corporation shall pay the contract pr
for the work in cash; provided, however, that the contra
price for an improvement for the payment of the cost
which a special assessment is authorized by law, may be pa
in installments, as the council may determine.

(*h*). If two or more bids are equal for the whole or a
part of the work, but are lower than any others, either m
be accepted, but in no case shall the work be divided betwe
them.

(*i*). When there is reason to believe that there is a c
lusion or combination among the bidders or any number
them, the bids of those concerned therein shall be rejected.

Certain ordinances and resolutions to be published.

SECTION 15. All resolutions and ordinances of gene
nature or providing for improvements and all other adv
tisements required in such cities, shall be published at not
exceed fifty cents per square, legal publication, in two dai
papers of general circulation, of opposite politics, publish
in the corporation, provided, that when the estimated cost
any improvement is less than $500 it shall not be necessa
to publish any resolution or ordinance pertaining to the sam

Relating to taxation.

SECTION 16. The aggregate of all taxes levied or order
by such city above the tax for county and state purposes a
excepting the tax for schools and school-house purposes, sh
not exceed in any one year 10 mills; provided, however, th
the city commissioners of such cities shall annually at t
time the rate of levy is fixed, provide by resolution for t
distribution of the tax among the several departments of t
corporation in such proportion to their needs as may
deemed necessary and at no time thereafter shall the amou
specified as necessary for the purposes named be changed, a
all transfers of funds from one account to another are herel
expressly prohibited. And provided, further, that in a
such city in which there is established and maintained by

public library association, not organized for profit, a public library, free to all inhabitants of such city, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes, not exceeding two-tenths of a mill, on all taxable property within such city, to be called the public library fund and collected as other taxes. Said taxes for library purposes shall be paid by the treasurer of such city to the treasurer of such library association, to be used in the purchase of books, pamphlets, magazines, newspapers and for general library expenses, but subject to such requirements as to accounting and reporting to council as the council may prescribe.

Certain officers forbidden to make contracts.

SECTION 17. No contract for work to be done for or material to be supplied to the city or any department thereof, shall be made with any councilman, city commissioner, officer or employe of the city, or with any firm, partnership, corporation or association of which such councilman, city commissioner, officer or employe, is a member or stockholder. If any councilman, city commissioner, officer or employe, during the term for which he shall have been elected or appointed acquires an interest in any such contract, he shall forfeit his office.

Provisions as to carrying out this act.

SECTION 18. For the purpose of properly carrying out the provisions of this act, the council shall enact ordinances to conform to the requirements of this act. All executive powers and duties not hereinbefore otherwise distributed shall be vested in the board of city commissioners hereby created; provided, elective officers shall serve out their unexpired terms, performing similar duties, but their compensation shall not be affected hereby, except as hereinbefore provided.

Certain laws excepted.

SECTION 19. The provisions of the state laws now in force relating to the amount of compensation of the officers and members of the fire and police forces, and the laws relating to the firemen's pension fund, shall not be effected [affected] or repealed by the passage of this act.

Not to affect certain boards.

SECTION 20. This act shall not be construed as applying to or effecting [affecting] the board of elections, the board of education, the board of health, justices of the peace, constables or assessors or boards of equalization.

Provisions of former acts superseded, etc.

SECTION 21. All the provisions of the statutes of this state in force when this act takes effect, which conflict with any provisions of this act, shall be held to be superseded by the latter as to the matter of inconsistency and not otherwise. Existing ordinances of any such city not in conflict with this act shall remain in force.

SECTION 22. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 5, 1891.
70G

[Senate Bill No. 336.]

AN ACT

Relative to submitting the question, "Shall there be a convention to re vise, alter or amend the Constitution?" to the electors of Ohio.

Relating to a constitutional convention.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the question, "Shall there be a convention t revise, alter or amend the Constitution?" of this state, shal be submitted to the electors thereof, at the general election t be held therein on the first Tuesday after the first Monday i November, A. D., 1891; notice thereof shall be given by sher iffs in their proclamations, required by law to be made of such elections, and those voting at said election in favor of such convention, shall have put upon their ballots the words "Constitutional Convention—Yes," and those voting theres against such convention the words, "Constitutional Conven tion—No."

Return of vote on.

SECTION 2. That the judges of election, at such election in every voting precinct, shall cause the votes received therein in favor of such convention, to be entered in a separat column in the poll-books, under the caption, "Constitutiona Convention—Yes," and those received therein against such convention, in a separate column likewise, under the caption "Constitutional Convention—No;" and they shall transmi the same, with the returns of the votes for state and county officers, to the clerks of the courts of common pleas of thei respective counties.

Abstracts to be forwarded to secretary of state and president of senate.

SECTION 3. That said clerks shall include in the genera abstracts of votes required by law to be transmitted by them to the secretary of state and president of the senate, respect ively, a statement of the number of votes given in thei several counties in favor of and also against such conven tion, together with a statement of the whole number of elect ors voting therein at said election; and said president of th senate, at the time and place of publishing the returns of sai election, as provided by section three, article 3, of the Consti tution, shall publish and declare the result of the vote for an against such convention, and also the whole number of elect ors voting in the state at said election returned as aforesaid

SECTION 4. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives*

WM. VANCE MARQUIS,
*President of the Senate*

Passed March 6, 1891.

71G

[Senate Bill No. 340.]

AN ACT

To amend section 1721 of the Revised Statutes of Ohio.

Officers of cities, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1721 of the Revised Statutes be so amended as to read as follows:

County treasurer: oath, bond, etc.

Sec. 1721. In all cases where the treasurer of a county becomes treasurer of the city and school funds by virtue of other provisions of this title, he shall qualify in every respect as if he were elected to the office, by taking the official oath and giving separate bonds acceptable severally to the city council and school board of such city; said bond as city treasurer shall be made a part of the record of the proceedings of the city council when accepted and approved, and shall be carefully preserved by the city clerk, and the bond as treasurer of school funds shall be made a part of the record of the proceedings of the board of education, when accepted and approved, and shall be carefully preserved by the clerk of said board; and in all examinations of the county funds by the auditor and county commissioners, as provided by law, there shall, at the same time and in the same manner, be an examination of the city and school funds by at least one person for each fund, who shall be appointed by the county commissioners; and in examinations of the county treasury, by order of the probate judge, the accountants appointed by the judge shall count, examine and certify as to the condition of the city and school funds at the same time, and in the same manner, as required by law in regard to the county funds.

Examination of funds.

Repeals, etc.

SECTION 2. That said original section 1721 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 5, 1891.

72G

[Senate Bill No. 352.]

AN ACT

To amend supplemental section 2572*a* of the Revised Statutes, passed February 19, 1889 (60, [86] O. L., p. 46).

Public halls:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2572*a* of the Revised Statutes of Ohio, passed February 19, 1889, be amended so as to read as follows:

Inspection may be dispensed with in certain cases.

Sec. 2572*a*. Whenever any structure referred to in section 2572 shall have been inspected by the state inspector of shops and factories, and such inspector shall have issued

to the owner thereof or his agent a certificate that such structure is properly arranged for the safe and speedy egress of persons who may be assembled therein, and also properly provided with means for the extinguishment of fire at or in such structure as now required by law, then such certificate shall dispense with all other inspections and certificates required by law in regard to the safety of such structures for public assemblages, and in case such inspector shall find on inspection that such structure is not properly arranged for the safe and speedy egress of persons who may be there assembled, or not properly provided with means for the extinguishment of fire at or in such structure as now required by law, he shall notify the owner, officer or agent in charge of such structure and the mayor of the municipal corporation wherein the same is located, in writing, of the fact that he refuses such certificate, specifying his reasons and the alterations, additions and appliances necessary to be made and furnished before a certificate will be issued; and no certificate required by law in regard to the safety of such structure shall be issued by the mayor, or any officer or person under any provision of the law till the requirements of the foregoing notice are complied with to the satisfaction of the state inspector.

Refusal of certificate.

Repeals, etc.

SECTION 2. Supplementary section 2572*a* passed February 19, 1889, is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
73G

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[Senate Bill No. 406.]

## AN ACT

To fix the time of election of common pleas judge in the first subdivision of the fifth judicial district; and to amend a certain act therein named.

Common pleas judge: election of additional, in first subdivision of fifth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judge of the court of common pleas heretofore elected at the general election for state and county officers in November, A. D. 1887, and now holding office of judge in the first subdivision of the fifth judicial district, composed of the counties of Clermont, Brown and Adams, shall serve out the judicial term for which he was elected, and that [at] the general election to be held in said subdivision for state and county officers, on the first Tuesday after the first Monday in November, 1893, and every five years thereafter, a judge of the court of common pleas for the first subdivision of the fifth judicial district, composed of the counties of Clermont, Brown and Adams, shall be elected by the electors of said subdivision, in addition to the judge provided for by the constitution. The term of office of such additional

judge shall commence on the first Monday in January next following his election and continue five years.

SECTION 2. That the election of such additional judge and his successors in office shall be conducted, and returns made in same manner in all respects as provided by law for election of other judges provided for by the constitution and laws of this state, and said judge and his successors shall exercise the same power and jurisdiction, and perform the same duties as other judges of the court of common pleas, and any vacancy that may occur in the office of said judge of the court of common pleas by death, resignation or otherwise, before the expiration of his term of office, shall be filled by appointment of the governor, until a successor is elected and qualified, and such successor shall be elected for the unexpired term at the next regular election of state and county officers that occurs more than thirty days after the vacancy shall have happened. Vacancy: how filled.

SECTION 3. That the act entitled an act to authorize the election of an additional judge of the court of common pleas of the first subdivision of the fifth judicial district of the state of Ohio, passed and took effect March 26, 1883, be and the same is hereby repealed; provided, that this repeal is not in any wise to affect the term of the judge now in office elected November, 1887, but his powers, jurisdiction and duties shall be and remain in full force until the expiration of his term of office, occurring October 15, 1893. Repeals, etc.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
74G

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[Senate Bill No. 413.]

## AN ACT

To amend section 1 of an act entitled "An act for the preservation of the health of female employes," passed April 16, 1885, as amended March 1, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act for the preservation of the health of female employes," passed April 16, 1885, as amended March 1, 1889, be amended so as to read as follows:

Sec. 1. That every person or corporation employing female employes in any manufacturing, mechanical or mercantile establishment in this state, shall provide suitable seats for the use of the female employes so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times Female employes: for preservation of health of.

when such use would not actually and necessarily interfe
with the proper discharge of the duties of such employe
and shall also provide, on the same floor or floors of t
building wherein any female persons are employed, suitab
and separate toilet and dressing rooms and water-closets f
the exclusive use of such female employes. The sta
inspector of factories and workshops is hereby charged wi
the duty of seeing that the provisions of this section a
observed and enforced.

Repeals, etc.

SECTION 2. Said amended section 1, passed March
1889, is hereby repealed, and this act shall take effect on
passage.

NIAL R. HYSELL,
*Speaker of the House of Representativ*
WM. VANCE MARQUIS,
*President of the Sena*

Passed March 6, 1891.
75G

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[Senate Bill No. 481.]

AN ACT

To supplement section 2926 of the Revised Statutes, and relating to Ap
elections in cities where registration is required by law.

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the St*
*of Ohio*, That section 2926 of the Revised Statutes, be supp
mented by a supplemental section with sectional numberi
as follows:

April and other elections.

Sec. 2926*v*. The provisions of section 2926 and of t
sections supplemental thereto shall extend to the April el
tion, or any other public election authorized by law to be h
in any city, where registration is required.

Registration for such elections.

1. There shall be no general registration, as provided
sections 2926*h* and 2926*i*, except that on Friday and Saturd
in the second week before any such election, the registrars
each precinct shall obtain the last preceding registers ma
by them from the board of elections, and attend at the pl
in such precinct appointed for the registration of electo
between the hours herein directed for the purpose, and
ceive applications for registration by such qualified elect
residing therein as are not already registered, and if qualifi
shall enter the same in the registers, subject to the same ru
and conditions as herein prescribed as to general registratio
and on such days shall also perform the same duties as p
scribed in section 2926*m*. And any additions or changes th

Additions to or changes in registers.

entered by them in their registers shall also be made in t
duplicate lists of voters, which, after being carefully compa
with the registers and with each other, shall be produced
them, together with the registers of such precinct, at t
opening of the polls on the day of election, and then be us
applied and disposed of by the judges in all respects
directed in section 2926*o*.

Organization

2. At seven o'clock in the evening of the Saturday ne

preceding any such election, the registrars for each and every precinct and the other two judges of election shall meet at the polling place therein appointed for such election and shall then and there organize as a board of judges, and perform the other duties prescribed in section 2926*n*, and in the manner therein directed. Of board of judges.

3. The poll-book required by section 2926*q* [2926*r*], to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed by them to the "board of canvassers" of such city, and not of the county, and delivered to the city clerk of such city, and not to the clerk of the court of common pleas. Poll-book: how to be addressed and delivered.

4. The board of canvassers of elections in each such city shall be composed of said board of elections. Within four days after the April election in such city, every year, or after any special election, the said "board of canvassers" shall meet at the office of the board of elections at ten o'clock in the forenoon, at the call of the chairman of the said board of elections, and organize by electing a chairman and a secretary; the returns received by them shall then be opened and canvassed by the board of canvassers as prescribed in section 2926*r*, and by law. Board of canvassers: duties of.

5. Whenever a new ward has been created, or the boundaries of any ward or precinct have been changed after the general registration and before the April election following, it shall be the duty of the board of elections to appoint election officers, re-arrange the voting precincts, provide for registration of electors not already registered, make new registers and certify the registration of registered electors whose voting precinct has been changed, and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters. New or altered wards and precincts.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
76G

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[Senate Bill No. 539.]

## AN ACT

To amend section 5 of an act entitled "An act to amend sections 1, 5 and 11 of an act entitled an act to regulate the construction of buildings within any city of the first class and second grade, and to provide for the appointment of an inspector of buildings," passed April 11, 1890 (v. 87, p. 174).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act entitled "An act to regu- Inspection of buildings:

late the construction of buildings within any city of the fi
class and second grade, and to provide for the appointme
of an inspector of buildings," as amended April 11, 1890,
amended to read as follows:

Permits for building, repairing, etc.

Sec. 5. When any person or persons shall be desirous
erecting, repairing, changing or altering any building
structure within the limits of such city, he or they shall ma
application at the office of the inspector for a certificate
that purpose, and shall furnish said inspector with a writt
statement of the location, with a pertinent description of t
land or number of sub-lot, allotment, name of owner, a
street, which description shall accompany the report to t
county auditor as provided in section 3 of the act of whi
this act is amendatory, and intended use of the propos
building or structure, the estimated cost, together with t
plans and specifications of the same, which shall be delivered
the said inspector and remain in his custody a sufficient leng
of time to allow the necessary examination to be made of t
same, and shall have access to the same at any time; aft
which, if it shall appear to the said inspector that the la
and ordinances of such city are complied with, he shall gi
the certificate asked for. The said inspector may, howev
issue permits for repairs, alterations or additions, or for sim
lar structures without plans or specifications. The applica
shall present the certificate to the city clerk, who shall iss
a permit in accordance therewith upon the payment of t

Fees to be paid for permits.

following prescribed fees: The sum of fifty cents for the p
mit, when the cost of the building or structure does not e
ceed two thousand dollars, and one dollar when the cost
more than two thousand dollars, and an additional sum
one cent for each and every one hundred cubic feet of conten
of said buildings or structures, except for barns, ice-house
coal and lumber and other sheds, for which one-quarter of o
cent per one hundred cubic feet of contents shall be charge
And fifty cents for alterations or additions to old structur
or buildings where the cost is five hundred dollars ($500.0
or less, and fifty cents for every additional five hundr
dollars or part thereof added to the cost of the same. Pr
vided, that when the cost is $2,000.00 or over, an addition
charge of $1.00 shall be made for the permit. And provide
also, that when the cost is less than fifty dollars, no char
shall be made for a permit; and for each and every i
spection of hot air flues or steam pipes under, in or over wo

Appeal when permit refused.

floors or inclosed in wood or frame partitions, the sum
$1.00 shall be charged. In case the inspector shall refuse
give an applicant the certificate applied for, such applica
may appeal to the board of control of such city. The aforesa
appeal shall state the reasons for such appeal and for wh
further reasons the certificate should be granted, all of whic
shall be in writing and accompanied by a certified chec
payable to the city treasurer, covering the cost of aforesa
fees. Such appeal shall be submitted to the inspector f
answer thereto, which answer shall also be in writing. Th
said board shall have the power to call in such other test
mony bearing upon the case, and upon being satisfied ma

instruct the inspector in writing to issue the certificates applied for. Should said board refuse to authorize the inspector to issue such certificate, the aforesaid certified check shall be forfeited to the city. All papers and testimony relating to cases of appeal shall be recorded in books kept for such purpose in the inspector's office. In case the owner or his agent shall fail to give the correct estimated cost for the work for which a permit is issued, the inspector of buildings or his assistants may add the cost of such work, to the best of their knowledge and belief.

SECTION 2. That said original section 5 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
77G

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[Senate Bill No. 567.]

AN ACT

To grant the consent of the state of Ohio, to the purchase by the United States of certain premises in Lima, Ohio, for the purpose of erection of a public building thereon for a custom-house, post-office and other government purposes, and ceding the jurisdiction over the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the consent of the state of Ohio is hereby given to the purchase by the United States, of the following described land situated in the city of Lima, Ohio, to-wit: So much of the public square as may hereafter be selected by the proper officer or officers of the United States government for the purpose of erecting thereon a public building for a custom-house, post-office and other government purposes, and the said United States shall have, hold, use, occupy, and own the said land when so selected and purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereafter mentioned. Giving consent to purchase by the United States of certain lands in Lima.

SECTION 2. The jurisdiction of the state of Ohio in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands. Jurisdiction thereof ceded to United States.

SECTION 3. The said consent is given, and the said jurisdiction ceded, upon the express condition that the state of Ohio shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Ohio against any person or persons charged with crimes or misdemeanors committed within said state, including said lands, Conditions of cession.

may be executed therein in the same way and manner a such consent had not been given or jurisdiction ceded, exc so far as such process may affect the real or personal prope of the United States; and also upon the further condit that all persons who are now residing, or shall therea reside upon such land or lands so acquired, shall, subjec the general laws of this state, be deemed and held to be c zens of the state of Ohio, entitled to all the privileges a subject to all the liabilities and duties of citizens of this st and the taking possession of said land or lands, by the Uni States, shall be taken as an acceptance on the part of United States of all the stipulations and conditions of t act.

Qualifications of cession.

SECTION 4. The jurisdiction hereby ceded shall not v until the United States shall have acquired the title to said land or lands by purchase or grant, or by lawful app priation under the right of eminent domain; and so long the said land or lands shall remain the property of the Uni States when acquired as aforesaid, and no longer, the sa shall be and continue exonerated from all taxes, assessme and other charges, which may be levied or imposed under authority of this state.

Powers delegated to county commissioners.

SECTION 5. *Be it further enacted*, That the board of cou commissioners of Allen county, Ohio, be and they are her empowered to convey to the United States in fee simple deed duly executed, the premises described in the first sect of this act, for the uses and purposes therein expressed.

Penalty for injuring or destroying property.

SECTION 6. *It is further enacted*, That any malicious, w ful, reckless, or voluntary injury to or mutilation of grounds, buildings, or appurtenances, shall subject offender or offenders to a fine of not less than twenty doll to which may be added, for an aggravated offense, impris ment, not exceeding six months, in the county jail or wo house, to be prosecuted before any court of competent ju diction.

SECTION 7. This act shall take effect immediately.

NIAL R. HYSELL,
*Speaker of the House of Representati*
WM. VANCE MARQUIS,
*President of the Sen*

Passed March 6, 1891.
78G

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[House Bill No. 1367.]

## AN ACT

To further supplement section four (4) of an act entitled "An act for establishment and maintenance of public libraries in certain citi the first class," as amended April 12, 1888 (vol. 85, O. L., pp. 20 212), and sections 1 and 4 of which were supplemented March 1889 (vol. 86, O. L., p. 79).

Public libraries:

SECTION 1. *Be it enacted by the General Assembly of the S of Ohio*, That section four (4) of the above entitled act further supplemented by an additional section as follows:

Authorizing the purchase of a site for library in certain cities (Toledo.)

Sec. 4*b*. That on the request of said board by a two-thirds vote of all of the trustees, entered on its journal, any such city of the third grade of the first class, may purchase appropriate, enter upon and hold, any real estate within its limits, by it deemed necessary for the purpose of providing said public library with suitable library grounds and extensions or additions thereto. The cost and expense of acquiring such grounds, extensions or additions shall be paid for by the trustees of such public library, out of any moneys in its hands or due and owing to it from the public library fund.

SECTION 2. That this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
79G

[Senate Bill No. 558.]

AN ACT

To amend section 4 of an act entitled "An act to authorize certain cities herein designated to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in the said cities," passed February 27, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 of the above recited act be so amended as to read as follows:

Board of control: duties in certain cities as to issue of bonds in aid of manufacturing establishments.

Sec. 4. If at such election the required number vote in favor of issuing said bonds, the council of such city shall present a written statement of its intention to issue said bonds to the probate judge of the county, in which such city is situated, who shall appoint a "board of control" for said city, which shall consist of six electors of said city, being freeholders therein, not more than three of whom shall belong to the same political party. Said "board of control" shall serve without compensation, and for such time as may be necessary to dispose of the proceeds of the sale of said bonds. All vacancies in said board shall be filled by appointment by said probate judge. The said city council shall not issue nor sell said bonds, or any portion of them, until said board of control shall consent to the same, and no expenditure of the money arising from the sale of said bonds, or any portion of them, shall be made, or any contract be entered into for the purpose mentioned in this act by said city council, except with the consent and approval of said board of control.

Repeals, etc.

SECTION 2. That section 4 of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
80G

[House Bill No. 588.]

AN ACT

To re-imburse the village of Nelsonville, in Athens county, for expend tures in repairing damages to the Hocking canal, caused by the floo of February, 1884.

Appropriation to re-imburse Nelsonville for certain expenditures.

SECTION 1. *Be it enacted by the General Assembly of the Sta of Ohio*, That there be, and there hereby is appropriated o of the general fund of the state treasury, not otherwise appr priated, the sum of twelve hundred and sixty and 85–100 do lars ($1,260.85) to re-imburse the village of Nelsonville, Athens county, for expenditures in making repairs in th Hocking canal, caused by the floods of February, 1884. An the auditor of the state is, upon the taking effect of this ac authorized and required to draw his warrant upon the treas rer of this state, payable to the treasurer of said village, f said sum of money so appropriated.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representativ*
WM. VANCE MARQUIS,
*President of the Sena*

Passed March 10, 1891.
81G

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[House Bill No. 1414.]

AN ACT

To authorize cities of the third grade of the first class to issue bonds market-house purposes.

Market-house: certain cities (Toledo) authorized to issue bonds to aid in erection of.

SECTION 1. *Be it enacted by the General Assembly of the St of Ohio*, That the city council of any city of the third gra of the first class be and it is hereby authorized and empower for the purpose of obtaining funds to be applied to the er tion of a market building or additions thereto, to borrow sum of money, not exceeding seven thousand dollars, and issue the bonds of said city therefor, in denomination of n less than one hundred dollars nor more than one thousa dollars each, payable in not more than five years from the da thereof, bearing interest at a rate not to exceed five per ce per annum, payable annually or semi-annually as such cou cil may determine; such bonds shall be designated, issu and sold in all respects as may be required and prescribed law.

Disposition of rents received.

SECTION 2. That when any such city of the third gra of the first class shall have issued bonds and constructed market-house, or additions thereto, under the authority co ferred in this act, all rents obtained by said city for the u of said structure, or addition so erected, shall be placed the sinking fund of said city until a sufficient amount is ceived to fully pay the principal and interest of said bon

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
82G

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[Senate Bill No. 245.]

## AN ACT

**To amend sections 2732, 2736, 2749 and 2757 of the Revised Statutes, relative to taxing personal property.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2732, 2736, 2749 and 2757 of the Revised Statutes be and are amended so as to read as follows: Taxation:

Sec. 2732. The following property shall be exempt from taxation: Property exempt:

FIRST. All public school-houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such buildings necessary for the proper occupancy, use, and enjoyment of the same, and not leased or otherwise used with a view to profit; all public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property held under the authority of any college or university of learning in this state; provided, nevertheless, that all leaseholds, or other estates or property, whatsoever, real or personal, the rents, issues, profits and income of which have been, or hereafter shall be given to any city, town, village, school district or sub-district, in this state, exclusively for the use, endowment, or support of schools for the free education of youth without charge, are and shall be exempt from taxation so long as such property, or the rents, issues, profits and income thereof shall be used and applied exclusively for the support of free education by such city, town, village, district, or sub-district. Schools and churches.

SECOND. All lands used exclusively as grave-yards, or grounds for burying the dead, except such as are held by any person, persons, company or corporation, with a view to profit, or for the purpose of speculating in the sale thereof. Cemeteries.

THIRD. All property, whether real or personal, belonging exclusively to the state or United States. State and federal property.

FOURTH. All buildings, belonging to counties, used for holding courts, for jails, or for county offices, with the ground, not exceeding, in any county, ten acres on which such buildings are erected. County buildings.

FIFTH. All lands, houses, and other buildings, belonging to any county, township, or town, used exclusively for the accommodation or support of the poor. Poor-houses.

Public charities.

SIXTH. All buildings belonging to institutions of purely public charity, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustain and belonging exclusively to said institutions.

Property used for extinguishing fires.

SEVENTH. All fire-engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe-keeping thereof, and for the meeting of fire companies, whether belonging to any town or to any fire company organized therein.

Other public property.

EIGHTH. All market-houses, public squares, or other public grounds, town or township houses or halls, used exclusively for public purposes, and all works, machinery, pipe-lines and fixtures belonging to any town, and used exclusively for conveying water to such town, or for heating or lighting the same.

One hundred dollars of personal property.

NINTH. Each individual residing in this state may deduct a sum not exceeding one hundred dollars, as exempt from taxation from the aggregate listed value of his taxable personal property of any kind of which such individual is the actual owner except dogs.

Soldiers' monuments.

TENTH. All funds raised and set apart for the purpose of building monuments to the fallen soldiers of this state and all monuments and monumental buildings, when erected, shall be forever exempt from taxation for any purpose whatever.

When property to be listed, and as of what day.

Sec. 2736. Each person required to list property shall annually, upon receiving a blank for that purpose from the assessor, or within five days thereafter, make out and deliver to the assessor a statement, verified by his oath, as required by law, of all the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, annuities, or otherwise, in his possession, or under his control, on the day preceding the second Monday of April of that year, which he is required by law to list for taxation, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor, or otherwise; and also of all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, held on said day by another, residing in or out of this state, for, and belonging to the person so listing, or any one residing in this state, for whom he is required by law to list, and not listed by such holder thereof, for taxation in this state.

State auditor shall furnish county auditors with blank form.

Sec. 2749. The auditor of state shall, annually, on or before the first Monday of April, furnish each county auditor with a blank form of statement for listing personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, containing all the items required in section 2737, and such subdivisions thereof, and additional items, as he may deem necessary to secure accurate, full and honest returns, and values for taxation; and county auditors, all assessors, and parties required to list all or any of the items named in said statement, shall use true copies of said blank

statement, and fill up the blanks therein with the true value in money of the several items therein named; and every person or party so listing property, or other items named in said statement, shall take and subscribe an oath or affirmation according to law, to be actually administered by the assessor, to the effect (adapting the form to the capacity in which the person making the return acts), that the statement contains, as he verily believed, a true account of all the taxable personal property, moneys, credits, and investments in bonds, stocks, joint-stock companies, annuities or otherwise, owned or controlled by such party, for his own use, or as husband, parent, guardian, trustee, executor, administrator, receiver, accounting officer, agent, factor, or otherwise, and also of all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, held for him, or any one residing in this state, for whom he is required by law to list, by any party residing in or out of this state, and not listed for taxation in pursuance of law in this state by such holder, and every interest and right, legal or equitable, of the party listing and of those for whom he is required by law to list in any bonds, stocks, joint-stock companies, or otherwise, which he is required by law to list for taxation, and that the value affixed to each of said items is the value thereof as ascertained by the usual selling price thereof for cash, at voluntary sales thereof, at the time and place of listing; and if there be no usual selling price, then at such price as could be obtained therefor in money, at such time and place, and that he has not made any acknowledgment or agreement, or contracted any debt, without receiving an adequate consideration therefor or resorted to any device, or created any trust, or sold or exchanged or disposed of any money, property, or effects, which were taxable in this state, for United States bonds or other non-taxable securities or moneys, for the purpose of evading taxation, or diminishing the amount of his return for taxation, and that all interest that he has or owns in any credit or evidence of indebtedness, secured in any manner, upon real estate or personal property, situated outside of the county in which he resides, or in any taxable stocks or bonds, or in any stocks or bonds of any foreign corporation, has been duly listed by him for taxation. Each county auditor shall, before the fifteenth day of April, annually, issue a call to all the assessors of his county, to meet at his office or some other place designated by him, at the county seat, within five days, for consultation, and said assessors shall meet as so ordered; and the auditor shall meet with said assessors, and answer such questions and give such instructions as shall tend to a uniformity in the action of the assessors in his county, and it shall be his duty to specially call their attention to the provisions of law relating to their duties, and to the listing of property, and to require of them full compliance therewith; and the auditor shall provide and deliver to said assessors blank forms and instructions, or forward them to the township clerks, immediately after the meeting of said assessors.

Person listing property to be sworn.

What the oath shall contain.

Fixing of values.

When assessors shall be assembled by county auditor.

County auditor to instruct assessors, and furnish them blanks.

Oath of assessor to returns.

Sec. 2757. The assessor, upon making return to t auditor of the lists and statements, shall take and subscr an oath to the effect following, which may be administered the auditor, or any official authorized to administer oaths:

I, ——, assessor for ——, in the county of ——, do solemn swear that the value of all personal property, moneys, cred investments in bonds, stocks, joint-stock companies, or oth wise, of which a statement has been made to me by the p son required by law to list the same, is truly returned as forth in such statement; that in every case where by law have been required to ascertain the items and value of personal property, moneys, credits, investments in bon stocks, joint-stock companies, or otherwise, of any pers company or corporation, I have diligently, and by the b means in my power, endeavored to ascertain the same; a that, as I verily believe, a full list, with the value thereof timated by the rules prescribed by law, is set forth in annexed return; that in no case have I knowingly omit to demand of any person, of whom by law I was required make such demand, a statement of the description and va of personal property, of the amount of moneys, credits, inv ments in bonds, stocks, joint-stock companies, or otherw which he was required to list, or failed to indorse on any turn made by me in cases in which the owner refused or n lected to list, or swear, the words "refused to list," or "refu to swear," or failed to swear as required by law, any pa who purports to have been sworn as returned by me, or any way connived at any violation or evasion of any of requirements prescribed by law in relation to the listing valuation of property, moneys, credits, investments in bon stocks, joint-stock companies, or otherwise, of any kind taxation, and that I have returned to the county auditor original statements made to me, or which I have ma and also the statistics which by law I am required to proc and return.

Repeals, etc.

SECTION 2. That sections 2732, 2736, 2749 and 2757 the Revised Statutes be and are hereby repealed; and t act shall take effect and be in force from and after its p sage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representati*
PERRY M. ADAMS,
*President pro tem. of the Sen*

Passed March 13, 1891.
83G

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[Senate Bill No. 299.]

AN ACT

To amend section 2929 of the Revised Statutes.

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the S of Ohio*, That section 2929 of the Revised Statutes be amend so as to read as follows:

Sec. 2929. The polls shall be opened at six o'clock in the forenoon, and kept open up to and closed at six o'clock in the afternoon of the same day. Provided, that in cities of the first grade of the first class the polls shall be closed at the hour of four o'clock in the afternoon as provided by law in section twenty-nine hundred and twenty-six *o* (2926*o*) of the Revised Statutes. When polls to be opened and closed.

SECTION 2. That said original section 2929 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 13, 1891.
84G

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[House Bill No. 1080.]

AN ACT

To amend section 1796 Revised Statutes, so as to provide for the appointment of an interpreter in the police court of cities of the second grade of the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1796 be so amended as to read as follows: Police court:

Sec. 1796. The business of the court shall be dispatched with all the speed consistent with a full, fair trial or hearing of the cases; and in cities of the second grade of the first class, the judge of the police court may appoint an interpreter for said court for the term of two years, who shall receive such compensation as the council of such city shall prescribe, not exceeding twelve hundred dollars per year. Said interpreter shall attend all sessions of said court and obey all orders of the judge of said court; he shall receive no fees while acting in the capacity of interpreter, except such compensation as shall be fixed by ordinance of the city council as aforesaid; provided, said judge shall have power for adequate cause to remove said interpreter. As to dispatch of business. Interpreter to be appointed in certain cities (Cleveland).

SECTION 2. That said original section 1796 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem of the Senate.*

Passed March 13, 1891.
85G

[House Bill No. 1374.]

AN ACT

To enable incorporated villages to refund their bonded indebtedn
same can be done at no higher rate of interest.

Incorporated villages may refund debt incurred for improvements.

SECTION 1. *Be it enacted by the General Assembly of t of Ohio*, That any incorporated village which has he issued its bonds to borrow money to be applied to the ir ment and for the benefit of said village, may refund s debtedness, if the same can be done at no higher rate of i but not otherwise.

Issue of bonds: time to run; interest.

SECTION 2. For the purpose of such refunding, t village shall have power to issue its bonds for such length not exceeding twenty years, and at such a rate of inte exceeding five per cent. per annum, payable semi-annu the council may determine. They shall be signed

By whom signed.

mayor of the village, countersigned and registered by th and shall be of one denomination to be determined by and payable in such years and amounts and at such council by ordinance may prescribe. The bonds issue

Limitation of amount.

in no event exceed in amount the bonds already outst

Bonds to be exchanged or sold.

SECTION 3. Such bonds may be exchanged at pa bonds outstanding; or they may be sold for cash at than par. But no bonds shall be sold until the ho bonds outstanding shall have deposited their bonds for ing under this act, with such person or bank as the council may designate; and no more shall be sold tha be necessary to take up the bonds so deposited. A money so raised shall be applied to no other purpose.

Levy of tax.

SECTION 4. To provide for the payment of the bon in authorized, and of the interest thereon, as the same due, the said council is hereby authorized and empow levy an annual tax, on all the taxable property of such

Amount of tax allowed to be levied.

for such an amount as may be necessary, not exceedi mills above the maximum authorized by law, which le be placed on the duplicate by the auditor of the coun lected as other taxes, and when collected paid to the t of such village.

Cancellation of bonds redeemed.

SECTION 5. The bonds redeemed shall not be again and council shall provide for the public cancellation same immediately upon redemption. And bonds not as well as those due may be refunded under this act.

SECTION 6. This act shall take effect and be i from the day of its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Represe*

PERRY M. ADAMS,
*President pro tem. of the*

Passed March 13, 1891.

86G

[House Bill No. 1426.]

AN ACT

To repeal an act entitled "An act to create township supervisors in certain counties, and to require the letting of certain portions of road work by contract."

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to create township supervisors in certain counties, and to require the letting of certain portions of road work by contract," passed March 25, 1890 (vol. 87, Ohio Laws, pages 101 to 105), be and the same is hereby repealed.

SECTION 2. This act shall take effect on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 13, 1891.
87G

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[House Bill No. 1427.]

AN ACT

To authorize the township trustees in certain counties to divide their townships into road districts.

Road districts: certain townships (in Cuyahoga county) may be divided into.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any county in this state containing a city of the first class, second grade, are hereby authorized to divide their respective townships into as many road districts as they think proper, and cause the same to be done as provided for in section 1457 Revised Statutes. Provided, however, that said road districts shall be laid out as aforesaid, on or before the 1st day of April, A. D. 1891, and every year thereafter on the first Monday in March as provided for by said section 1457 Revised Statutes.

SECTION 2. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 13, 1891.
88G

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[Senate Bill No. 460.]

AN ACT

To amend sections 3634 and 3641 of the Revised Statutes of Ohio so as to provide for the insurance of live stock.

Insurance companies other than life.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3634 and 3641 of the Revised Statutes of Ohio be amended so as to read as follows:

Capital joint-stock and mutual fire insurance companies must have.

Sec. 3634. No joint-stock fire insurance company a no joint-stock live stock insurance company, shall be inc porated under this chapter with a smaller capital than o hundred thousand dollars, which shall be divided into shar of one hundred dollars each; nor shall any company on t

Subscriptions to insurance in mutual companies.

plan of mutual fire insurance be incorporated until not less tha five hundred thousand dollars of insurance, in not less than t hundred separate risks, no one of which shall exceed $5,000.0 have been subscribed and the premium thereon, for one yea paid in cash, aggregating not less than $10,000.00 in cash, ea subscriber agreeing, in writing, to assume a liability to named in the policy, subject to call by the board of directors a sum not less than three nor more than five annual p miums. And the same liability shall also be agreed to writing by each subsequent subscriber or applicant for insu ance, who is not a merchant or manufacturer. And ea subscription before incorporation shall be accompanied by certificate of a justice of the peace of the township or ci where such subscriber resides, that the subscriber is, in h opinion, pecuniarily good and responsible to the extent the contingent liability agreed to be assumed. Mutual fi

Annual cash premiums collectible in advance by mutual companies.

insurance companies organized under this act may thereaft charge and collect in advance upon their policies a full annu premium in cash, but such policies shall not compel su scribers, insured or assured, to renew any policy nor pay second or further annual or term premium. Any suc

Contingent mutual liability for losses and expenses.

company must in its by-laws, and must in its policies, fix a uniform rule the contingent mutual liability of its me bers for the payment of losses and expenses; and such co tingent liabilities shall not be less than three nor mo than five annual cash premiums as written in the polic but such liability shall cease with the expiration of the tim for which a cash premium has been paid in advance, exce

Mutual fire associations.

for liability incurred during said time; but nothing in th section shall apply to associations for the mutual protectio of their members against loss by fire heretofore or hereaft organized as provided in section 3686 of the Revised Statute

Powers of companies organized for insurance other than life.

Sec. 3641. A company organized under this chapter ma

FIRST. Insure houses, buildings, and all other kinds property, against loss or damage by fire and lightning tornadoes, in and out of the state, and make all kinds insurance on goods, merchandise, and other property in t course of transportation, whether on land or water, or on a vessel or boat wherever the same may be.

SECOND. Make insurance on the health of individua and against personal injury, disablement or death, resultin from traveling or general accidents by land and water; ma ing insurance against loss or damage resulting from accident property, from causes other than by fire or lightning; guarant the fidelity of persons holding places of public or priva trust, who may be required to, or do, in their trust capacit receive, hold, control or disburse public or private moneys property.

THIRD. Make insurance on the lives of horses, catt or other live stock against loss by death caused by acciden

disease, fire or lightning, provided that such company shall have a capital of one hundred thousand dollars with at least twenty-five (25) per cent. of the capital stock paid up.

FOURTH. Receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds, and all kinds of personal property; lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects; but no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company organized for either one of said purposes shall issue policies of insurance for any other.

SECTION 2. Said original sections 3634 and 3641 are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
89G

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[Senate Bill No. 463.]

AN ACT

To promote the safety of pupils at boarding-schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever being the owner of a building more than two stories in height used as a boarding-school or college or having control thereof, individually or by virtue of his office as agent of any society or corporation, permits the same to be used for the purposes of a boarding school without having provided the same with convenient and safe means of ingress and egress in case of fire, shall be fined not more than one thousand dollars for each and every such offense. Certain boarding-schools and colleges to be furnished with fire escapes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
90G

[House Bill No. 1153.]

## AN ACT

Supplementary to an act entitled "An act supplementary to an a entitled 'an act to provide for the reversion and use of abandone fair grounds in certain cases,' passed May, 1886. (83 v. 192), and repeal an act supplementary thereto, passed March 30, 1888 (85 138)," and passed April 12, 1889.

Franklin park commission authorized to purchase certain property.

SECTION 1. *Be it enacted by the General Assembly of the Sta of Ohio*, That when real estate, which has heretofore bee purchased by any county and improvements made thereo for the use of a county agricultural society, and such re estate is situate within the corporate limits of the city an has been abandoned for such use, and, by authority of th act of which said act of April 12, 1889, was supplementar the title to such real estate is vested in fee simple in suc county, and the premises devoted to the purposes of a publ park for the use of the people of the county and of such cit and the supervision and the control of the same vested in park commission, consisting in part of the residents of suc city, and in part of persons who reside in the county, but n residents of said city, and their successors in office, and th council of such city has deemed it advisable to enlarge suc park by the purchase of land adjoining it and has provide for the investment of money therefor by ordinance dul passed, and when such council for the purpose of providin money with which to pay for such real estate and for th care, improvement and embellishment of such park, an when a court of record of this state by decree has found an person owning an estate in any of the real estate composin such park, said park commission is hereby authorized t purchase such estate, the title whereof shall vest in such cit and the treasurer of said city be and he is hereby authorize out of the moneys so borrowed to pay upon warrants properl drawn therefor, any sum of money not exceeding fou thousand ($4,000) dollars for the purpose of purchasing suc estate and to pay claims arising by the reason of the purchas of land adjoining said park under and by virtue of suc ordinance.

SECTION 2. This act shall take effect and be in forc from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representative*
PERRY M. ADAMS,
*President pro tem. of the Senat*

Passed March 16, 1891.

91G

[House Bill No. 1176.]

AN ACT

To supplement an act entitled "An act supplementary to section 2559 of the Revised Statutes of Ohio," as amended March 27, 1889 (O. L., vol. 86, page 148).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following paragraph be enacted as supplementary to section 2559 of the Revised Statutes of Ohio, as amended March 27, 1889, with numbering as follows:

Cincinnati authorized to issue additional bonds for city hall.

18. To provide additional funds for the purpose of the erection of such city hall and for completing and furnishing the same, the board of city affairs of any such city shall issue the bonds of said city in any amount not to exceed the sum of three hundred and twenty-five thousand ($325,000) dollars, in the manner, on the terms, and under the conditions provided in paragraph twelve (12) hereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
92G

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[House Bill No. 1177.]

AN ACT

To provide a more efficient government for the cities of the second grade of the first class.

[LEGISLATIVE.]

Cleveland: Legislative power vested in council.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second grade of the first class the legislative power and authority shall be vested in a council consisting of twenty members, to be elected by districts, who shall serve for a term of two years, except that, at the first annual municipal election after the passage of this act, there shall be elected from each district one member for the term of one year and one member for the term of two years, and annually thereafter one member shall be elected from each district for the term of two years; and for the purpose of electing such members of the council such cities are hereby divided into ten districts to be composed of wards as now constituted as follows:

Members of council: how elected.

Division of city into districts.

The first, second, third and fourth wards shall constitute the first district.

The fifth, sixth, seventh and eighth wards shall constitute the second district.

The ninth, eighteenth and nineteenth wards shall constitute the third district.

The tenth, eleventh, twelfth and fourteenth wards shall constitute the fourth district.

The thirteenth, fifteenth, sixteenth and seventeenth wards shall constitute the fifth district.

The twentieth, twenty-first, twenty-second and twenty-third wards shall constitute the sixth district.

The twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh wards shall constitute the seventh district.

The twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second wards shall constitute the eighth district.

The thirty-third, thirty-fourth, thirty-fifth and thirty-sixth wards shall constitute the ninth district.

The thirty-seventh, thirty-eighth, thirty-ninth and fortieth wards shall constitute the tenth district.

Councilmen to be residents of districts.

SECTION 2. Members of the council shall be residents of their respective districts and in case any member shall remove from the district for which he was elected his office shall thereby become vacant and such vacancy shall be filled as provided by law.

Certain measures not to be passed within one week after introduction.

SECTION 3. Every legislative act of the council shall be by ordinance, resolution or order. No ordinance, resolution or order involving an expenditure of money, or the approval of a contract for the payment of money, or for the purchase, sale, lease or transfer of property, or granting a franchise, or creating a right, or levying any tax, or fixing the rents to be charged for the supply of water, or imposing any fine, penalty or forfeiture, shall be passed until at least one week shall have elapsed after the same has been introduced and read in the council, and every such ordinance, resolution or order which shall have passed the council, except such as provide for improvements or making assessments to pay the cost and expense of the same, on the recommendation of the board of control, shall, before it takes effect, be presented, duly certified by the clerk, to the mayor of the city for approval. The mayor, if he approves such ordinance, resolution or order, shall sign it, but if he does not approve it he shall return the same to the council with his objections within ten days thereafter, or if the council is not in session at the next regular meeting thereafter, which objections the council shall cause to be entered in full on its journal, and if he does not return the same within the time above limited it shall take effect in the same manner as if he had signed it, provided that the mayor may approve or disapprove the whole or any item or part of any ordinance, resolution or order appropriating money, and further provided, that any item disapproved shall have no bearing or connection with any other part of such ordinance. When the mayor refuses to sign any such ordinance, resolution or order, or part thereof, and returns it to the council with his objections the council shall, after the expiration of not less than one week proceed to reconsider it; and, if the same is approved by the votes of two-thirds of all the members elected to the council it shall then take effect as if it had received the signature of the mayor; and in all such

Mayor to have power to veto measures involving the expenditure of money.

Passage of a measure over mayor's veto requires a two-thirds vote.

cases the vote shall be taken by yeas and nays and entered on the journal of the council.

Publication of ordinances.

SECTION 4. All ordinances of a general nature or providing for improvements, required in said cities of the second grade of the first class, shall be published at not to exceed legal rates as provided in section 4366 of the Revised Statutes, in two daily newspapers of general circulation, of opposite politics, published in the corporation, provided that when the estimated cost of any improvement is less than five hundred dollars it shall not be necessary to publish any ordinance providing for the same.

Police force: to be established by council; what it shall consist of.

SECTION 5. The council shall establish and maintain a police force, to consist of a superintendent and such subordinate officers and patrolmen as it shall, from time to time, deem necessary, and fix their compensation; but the officers, detectives, and patrolmen, constituting the police force at the time this act takes effect, shall constitute the police force and shall not be removed from the force or reduced in rank, except for cause and as provided in this act. Any member of the police force being guilty of intoxication while in the discharge of public duty shall be discharged from the force and shall not be re-appointed again for a period of at least two years thereafter.

Fire force: to be established by council; what it shall consist of.

SECTION 6. The council shall establish and maintain a fire force, to consist of a chief of such force and such subordinate officers and members as it shall, from time to time deem necessary, and fix their compensation; but the officers and members, constituting the fire force at the time this act takes effect, shall constitute the force and shall not be removed from the force or reduced in rank except for cause, and as provided in this act.

Sanitary force: to be provided for by council.

SECTION 7. The council shall provide for the appointment, in accordance with the provisions of this act, of a health officer and such subordinate officers as may be necessary to secure the inhabitants of such cities from the evils of contagious, malignant and infectious diseases, and shall prescribe their duties and fix their compensation.

Miscellaneous officers: appointment to be provided for by council.

SECTION 8. The council shall have power to provide for the appointment of such officers as may be necessary for the enforcement of all provisions of law or ordinance relating to markets, city scales, sealing of weights and measures, harbors and wharves, consumption of smoke and the examination of stationary engineers, and such other officers in the several departments hereby created as it may deem necessary for the good government of the corporation and the full exercise of its corporate powers, and prescribe their duties and fix their compensation.

Organization of council.

SECTION 9. The council shall annually, at the time of its organization, elect a president and vice-president from its own body, and may elect a sergeant-at-arms and a page, who shall perform such duties belonging to their respective offices as may be prescribed by ordinance and the rules of the council not inconsistent with law. The council shall elect a city clerk, who shall appoint his assistants subject to the confir-

mation of the council. Exept as herein provided the council shall exercise no power of election or appointment to any office.

Water rents: to be fixed by council.

SECTION 10. For the purpose of paying the expenses of conducting and managing the water-works of any such city owning water-works, the council shall have power to assess and provide for the collection of a water rent of sufficient amount upon all tenements and premises supplied with water in the same manner as provided by law in the case of trustees of water-works, and, if there is any surplus after paying the expenses of conducting and managing the water-works the same may be applied by the council for the purposes and in the manner provided in section 2412 of the Revised Statutes.

Disposition of surplus.

Council empowered to require attendance of witnesses.

SECTION 11. The council, or any committee thereof authorized by it so to do, shall have power to compel the attendance of witnesses and the production of books, papers and other evidence, at any meeting of the council or of any committee thereof, and for that purpose may issue subpoenas or attachments in any case of inquiry or investigation, to be signed by the presiding officer of the council or chairman of such committee, as the case may be, which shall be served and executed by any officer authorized by law to serve the subpoenas and other process, and, if any witness shall refuse to testify to any facts within his knowledge, or to produce any books or papers in his possession or under his control, the council shall have power to commit the witness to prison for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such investigation or inquiry before the council or committee thereof, or before any officer of the city having power to conduct any investigation, but such testimony shall not be used against him in any criminal prosecution, except for perjury.

## EXECUTIVE.

Executive power: in whom vested.

SECTION 12. The executive power and authority of such cities shall be vested in the mayor, the heads of departments hereinafter named, and such other officers as shall be created by law or appointed by virtue of this act.

Officers to be elected by popular vote.

SECTION 13. There shall be a mayor, treasurer, police judge, prosecuting attorney of the police court and a clerk of that court, who shall be chosen by the electors in the same manner and for the same terms as now provided by law.

Certain departments created.

SECTION 14. There shall be the following departments in such cities, to-wit:

[1.] Department of public works.
[2.] Department of police.
[3.] Department of fire.
[4.] Department of accounts.
[5.] Department of law.
[6.] Department of charities and correction.

Director of each department to be appointed by mayor.

There shall be a director of each of said departments, who shall be appointed by the mayor, with the advice and consent of the council, for a term ending with that of the

mayor appointing him. Each of said directors, before entering upon the duties of his office, shall give bond according to law in the sum of $20,000, to be approved by the mayor and council. Bonds of directors.

SECTION 15. The mayor shall receive a salary of $6,000 per annum, and the directors of the several departments shall each receive a salary of $4,000 per annum, except the director of law, who shall receive $5,000 per annum, all payable monthly, provided that no such officer shall receive pay for services when not on duty for more than two weeks in any one year. Salaries of mayor and directors of departments.

SECTION 16. The mayor and heads of the several departments shall devote their time to the duties of their respective offices, and shall hold no other office, either federal, state, county or municipal, except as notary public or an officer of the militia, nor be an employe of any such office. They shall consult and co-operate in such way, not inconsistent with law or ordinance, as to adopt and follow a systematic method to secure the most economical purchase of supplies for all departments, at uniform rates throughout. Mayor and directors to devote their time to their duties. Economy in purchase of supplies.

SECTION 17. The compensation of all officers shall be by stated salary, and all fees and perquisites, authorized by law or ordinance, shall be paid into the city treasury, and unless otherwise provided, shall be credited to the general fund. Compensation of all officers to be by salary.

SECTION 18. If any officer or employe of the city shall receive any fee, present, gift or emolument, or share therein for official services, other than his regular salary or compensation, he shall forfeit his office. No officer shall receive any fee, gift, emolument, etc.

SECTION 19. All officers shall be bona fide residents of the city and citizens of the United States, and, except where provision is otherwise made by law, they shall give bond in such sum as the council shall prescribe. Qualifications for office.

SECTION 20. No officer or employe of any department shall attend or be a member of or delegate to any political convention at which municipal officers are to be nominated, and, in case any such officer or employe shall violate this provision, it shall be the duty of the mayor, or head of the appropriate department, as the case may be, to remove such person from office, or discharge him from employment; but provided that nothing herein contained shall apply to any officer or member of the police force who may be detailed to attend such convention in the course of his duty. Attendance of officers at municipal conventions prohibited. Exception as to police officers.

SECTION 21. The members of the council shall receive five dollars for attendance at each regular weekly meeting of said body. No member of the council or other officer or employe shall receive compensation for services rendered in any other department of the city government than the one to which such officer or employe belongs. Compensation of councilmen.

SECTION 22. No member of the city council or the mayor or other officer, clerk or employe of the city shall act as agent or attorney for any person, company or corporation in relation to any matter to be affected by action of the legislative or any other department or officer of the city, and the violation of this provision shall be cause for removal. Councilmen and city employes not to act as agents in certain cases.

Appointment of officers, clerks, etc.

SECTION 23. Except as otherwise provided in this act, all officers, clerks and employes of the several departments and subdivisions thereof shall be appointed or employed by the head of the department without the advice and consent of the council.

Removal or suspension of officers.

SECTION 24. The head of any department may, by written order, giving his reasons therefor, remove or suspend any officer or employe of such department, provided the same shall not be done for political reasons, and such written order shall be recorded in the records of the department and a copy thereof filed with the mayor; and provided that no member of the police or fire force shall be removed or reduced in rank except for cause, to be assigned in writing, after due notice, and on a public hearing, if demanded by the accused, before a tribunal composed of the mayor, who shall be chairman thereof, the director of law and the president of the city council; but the head of the police or fire department, as the case may be, may suspend the accused pending the hearing of the charge preferred against him.

Hearing to be allowed certain officials.

Rules and regulations: by whom made.

SECTION 25. The heads of the several departments may prescribe rules and regulations not inconsistent with law for the government of their respective departments, the conduct of their officers and employes, the distribution and performance of the business under their charge, and the custody, use and preservation of the books, records, papers and property pertaining to their respective departments.

Information to be furnished to mayor.

SECTION 26. The head of each department shall, upon request, furnish to the mayor or council any information desired in relation to its affairs.

Mayor and directors to have seats in council and to take part in proceedings.

SECTION 27. The mayor and heads of the several departments shall each have seats in the council, and the mayor shall be entitled to take part in its proceedings and deliberations on all questions, and the heads of departments shall be entitled to take part in its proceedings and deliberations on all questions relating to their respective departments, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote; and such officers may be compelled to attend meetings of the council in the same manner as the members.

## MAYOR.

Duties of mayor.

SECTION 28. In addition to the duties now prescribed by law the mayor shall communicate to the council from time to time a statement of the finances of the city, and such other information relating thereto and to the general condition of the affairs of the city as he may deem proper, or as may be required by the council.

Mayor may remove any officer appointed by himself.

SECTION 29. He may remove, at his discretion, any director or other officer or employe appointed by him. The order of removal shall be in writing, and shall be entered on the records of his office, and a copy thereof transmitted to the council.

Appointment of committee to examine

SECTION 30. He may at any time appoint competent, disinterested persons not exceeding three in number, not

more than two of whom shall be of the same political party, to examine, without notice, the affairs of any department, officer or employe, and the result of such examination shall be recorded in his office and also transmitted by him to the council without delay.

affairs of department, officer or employe.

SECTION 31. In case of emergency, for a period not exceeding five days and longer, if so authorized by the council, the mayor may, at his discretion, assume entire control and direction of the fire and police forces of the city, and exercise all the powers conferred upon the fire and police departments in relation thereto.

Mayor to assume control of fire and police departments in certain contingencies.

SECTION 32. The mayor shall have a private secretary, to be appointed by himself, without the advice and consent of the council, who shall receive such compensation as the council shall prescribe; and said private secretary shall act as secretary to the board of control hereinafter created. The mayor may also appoint, without the advice and consent of the council, such clerks and employes as the council may provide to aid him in the discharge of his official duties.

Private secretary of mayor.

Other appointments by mayor.

SECTION 33. The mayor shall call together the heads of departments for consulation and advice upon the affairs of the city, at least once a month, and at such meetings he may call on them for such reports as to the matters under their management and control as he may deem proper.

Monthly meetings of heads of departments.

## DEPARTMENT OF PUBLIC WORKS.

SECTION 34. The department of public works shall be under the charge of a director, to be appointed by the mayor as hereinbefore provided, who shall be known as the director of public works and who shall be the head of said department.

Director of public works.

SECTION 35. The director of public works may appoint a deputy who, in case of the absence or disability of said director, or whenever so authorized by said director in writing filed in the office of said department, may perform any and every duty of the director of public works except the appointment or removal of officers.

Deputy director of public works.

SECTION 36. Except as otherwise provided in this act, the director of public works shall have the care, management and administration of the water-works, the supply and distribution of water, and the collection of water rents; of streets, avenues, alleys, highways, public grounds, parks and the opening, improving, repairing, cleaning and lighting the same; of the construction, protection and repair of public buildings, bridges and structures of every kind, except such buildings and structures as may be used for hospitals, work-houses, houses of refuge and correction, infirmaries, or for fire or police purposes; of sewers, drainage and dredging; of making and preserving all surveys, maps, plans, drawings and estimates relating to the public work under the charge of said department; and of all matters and things in any way relating to or affecting the highways, footways, water-ways, harbors, wharves and docks, and the appointment of harbor-masters and such other officers as may be provided by the council for the regulation

Duties and powers of director.

of the navigation, trade or commerce of the corporation, i pursuance of law.

Powers of certain officers vested in director.

SECTION 37. Except as otherwise provided in this ac all the powers heretofore vested in and performed by the trus ees of water-works, park commissioners, platting commissio street commissioner and civil engineer, in cities of the secon grade of the first class, shall be vested in and performed b the director of public works; and all laws pertaining to th matters, the administration of which is by this act committe to the department of public works, shall apply to said depar ment and be enforced by the director thereof.

Sub-divisions of department of public works.

SECTION 38. There shall be the following subdivisio in the department of public works, to-wit:

[1.] A division having the care and management of th water-works and all property connected therewith, the suppl and distribution of water and the collection of water rents, c which division there shall be a chief officer to be called th superintendent of water-works.

[2.] A division having charge of the repairing and clea ing of streets, avenues, alleys, highways, public grounds an catch basins of which division there shall be a chief officer t be called the superintendent of streets.

[3.] A division having charge of the opening, improvin and lighting of streets, avenues, alleys, highways and publi grounds; the construction, protection and repair of publi buildings, bridges, sewers and structures of every kind unde the administration of this department; of making and pr serving all surveys, maps, plans, drawings and estimates r lating to the public work under the charge of said depar ment; and of all matters and things relating to or affecting th highways, footways, water-ways, harbors, wharves and dock drainage and dredging. There shall be a chief officer of sai division to be called the chief engineer.

## DEPARTMENT OF POLICE.

Director of police.

SECTION 39. The department of police shall be unde the charge of a director, to be appointed by the mayor as her inbefore provided, who shall be known as the director police and who shall be the head of said department.

What department shall include.

SECTION 40. The police force of the city, the officer employes and property connected therewith, police telegraph telephones and signals, sealing of weights and measures, cit scales and markets, the inspection of food and all matters r lating to the public health, shall be under the administratio of this department.

Appointment of superintendent and members of police force.

SECTION 41. The director shall appoint the superi tendent of the police force, and, within the limit prescribed b the council, such other officers and patrolmen as in his opinio the public interests require, subject to the provisions of sectio 5 of this act, under and in pursuance of rules and regulatio providing for the ascertaining of the comparative fitness all applicants for appointment or promotion, by a syste atic, open and competitive examination of such applicant

which rules and regulations it shall be the duty of the mayor and the head of the department to make and submit to the council within sixty days after the second Monday of April, 1891, and when approved by the council they shall be promulgated and enforced as permanent rules, and shall only be changed in the manner herein provided for their adoption; provided, that no officer or member of said force shall be appointed until such rules and regulations have been promulgated, except to fill any vacancy caused by death or resignation, and shall prescribe their duties. He may at his discretion, appoint any such patrolmen on probation, and discharge any patrolmen thus appointed within six months of the date of his appointment; provided, that if demanded by the patrolman so discharged, the cause of his discharge shall be assigned to him in writing, by the director. He may in cases of emergency, by and with the consent of the mayor, appoint such number of special patrolmen as he may deem necessary, which appointments shall be recorded and be subject to the action of the council at its next meeting; and during their service such special appointees shall possess the powers and perform the duties of regular patrolmen, and shall receive such compensation as may be fixed by the council, for a period not exceeding five days, unless authorized for a longer period by the council.

Detail of detectives.

SECTION 42. The director may detail such officers or members of the police force for special detective duty as he may think the public interest requires, and the persons so detailed shall receive for such services such compensation as the council may prescribe, and may at any time be re-assigned by the director to the duty in the rank from which they were detailed.

Trustees of police pension fund: how selected.

SECTION 43. The mayor, director of police, director of law and three members of the police force to be annually elected by the members of the force on the first Tuesday of January of each year, shall constitute the board of trustees of the police pension fund, and shall have all the powers and perform all the duties of the trustees of such fund created by section 1945 of the Revised Statutes, as amended April 15, 1889, and the mayor shall be president of such board; provided that the first election of such members of the police force as such trustees shall take place on the first Monday of May after the passage of this act.

Police court: how process of, to be executed and order preserved.

SECTION 44. All process of the police court shall be directed to the superintendent of police, and shall be executed by any person appointed for the purpose by the director, and the director shall appoint from the members of the force such number of suitable persons as may be necessary to attend the sittings of, preserve order in and execute all process and orders of, the police court, and such persons shall be the special deputies of the superintendent of police.

Sanitary police, etc.: how appointed.

SECTION 45. The sanitary police and all gaugers and inspectors and their assistants, whose duties pertain to the public health, shall be appointed by the director of police,

Members present force to be removed only for cause.

and under his direction they shall exercise all the powers conferred upon them, and perform all the duties required of them by law or ordinance, provided that the members of the present sanitary force shall not be removed except for cause, and as provided in section 24 of this act.

Powers of certain officers vested in director.

SECTION 46. Except as herein otherwise provided, the powers and duties heretofore vested in the board of police commissioners and the board of health are hereby vested in the director of police, and all the provisions of law pertaining to the said police and health departments shall apply to the police department and be administered by the director thereof.

## DEPARTMENT OF FIRE.

Director of fire service.

SECTION 47. The department of fire shall be under the charge of a director to be appointed by the mayor, as hereinbefore provided, who shall be known as the director of fire service, and who shall be the head of said department.

Powers and duties of fire force.

SECTION 48. The fire force of the city, the officers, employes and property connected therewith, the fire telegraph, signals, and fire alarms, the inspection of buildings, boilers, elevators and fire escapes, all the provisions of law or ordinance relating to the examination, regulation and licensing of stationary engineers, and the consumption of smoke, and all matters relating to the fire service, shall be under the management, control and administration of this department.

Duties of director.

SECTION 49. Subject to the provisions of this act in reference to contracts, the director of fire service shall purchase all necessary fire engines, either steam or hand, hose carriages, and all such other apparatus and instruments as shall be deemed necessary for the extinguishing of fires, and establish lines of fire alarm telegraph within the limits of the corporation, and shall cause to be erected all necessary and suitable buildings for containing fire engines, hose carriages, fire apparatus and engines.

Officers and members of fire force: how appointed.

SECTION 50. The officers and members of the fire force shall be appointed by the director of fire service, subject to the provisions of section 6 of this act, but from and after the passage of this act no such appointment or any promotion in said force shall be lawful, except in cases of emergency, unless made under and in pursuance of rules and regulations providing for the ascertaining of the comparative fitness of all applicants for appointment or promotion, by a systematic, open, and competitive examination of such applicants, which rules and regulations it shall be the duty of the mayor and the head of the department to make and submit to the council, within sixty days after the second Monday of April, 1891, and when approved by the council they shall be promulgated and enforced as permanent rules and shall only be changed in the manner herein provided for their adoption; provided, that no officer or member of said force shall be appointed until such rules and regulations have been promulgated, except to fill any vacancy caused by death or resignation.

Powers of cer-

SECTION 51. Except as herein otherwise provided, the

powers and duties heretofore vested in the board of fire commissioners in such cities are hereby vested in the director of fire service, and all provisions of law pertaining to the fire department as heretofore constituted shall apply to the department of fire and be administered by the director thereof. tain officers vested in director.

SECTION 52. The director of fire service shall appoint an inspector of buildings, who shall be an architect or builder, and who shall have all the powers, perform all the duties and receive the same salary prescribed for the inspector of buildings by an act entitled "An act to regulate the construction of buildings within any city of the first class and second grade, and to provide for the appointment of an inspector of buildings," passed April 16, 1888, as amended April 11, 1890. The council may provide by ordinance for the appointment by the director of fire service of an assistant inspector of buildings at a salary not to exceeed $1,500 per annum, and one deputy, who shall be a practical mechanic, at a salary not to exceed $1,200 per annum, and one deputy at a salary not to exceed $900 per annum. Inspector of buildings: by whom appointed. Assistant and deputy inspectors of buildings.

## DEPARTMENT OF ACCOUNTS.

SECTION 53. The department of accounts shall be under the charge of a director, to be appointed by the mayor as hereinbefore provided, who shall be known as the city auditor, and who shall be the head of said department. City auditor.

SECTION 54. It shall be the duty of the city auditor to keep accurate accounts of all taxes and assessments, of all moneys due to and all receipts and disbursements by the city, of all assets and liabilities of the city and of all appropriations made by the council. He shall, at the end of each fiscal year, and oftener if required by the council, audit the accounts of the several departments and officers, and shall audit all other accounts in which the city is concerned and shall prescribe the form of accounts and reports to be rendered to his department, and the form and method of keeping accounts by all other departments, and shall have the inspection and revision thereof. Detailed daily reports shall be made by each department to the city auditor, showing the receipts of all moneys by such departments and the disposition of the same. Duties of.

SECTION 55. No warrant for the payment of any claim shall be issued by the city auditor until such claim shall have been approved by the head of the department for which the indebtedness was incurred, and every head of department and his sureties shall be liable to the city for all loss or damage sustained by it by reason of the negligent or corrupt approval of any claim against the city in his department. How warrants issued. Liability of bondsmen.

SECTION 56. Whenever a claim shall be presented to the city auditor he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employe of any department of the city, or any other person, and examine him upon oath or Scrutiny of claims.

affirmation relative thereto, which oath or affirmation h
may administer.

No money to be drawn except in pursuance of appropriations by council.

SECTION 57. No money shall be drawn from the treasur
except in pursuance of appropriations made by the counci
and whenever an appropriation is made by the council th
clerk shall forthwith give notice thereof to the city auditc
and treasurer. No appropriation shall be made for a longe
period than until the end of the current year, and at the en
of each year all unexpended balances of appropriations sha
revert to the respective funds from which the same wer
appropriated.

Drawing of warrant contrary to law.

SECTION 58. If the city auditor shall draw a warrant fc
any claim contrary to law or ordinance, he and his suretie
shall be individually liable for the amount of the same.

Duty of auditor in case of death of another official.

SECTION 59. He shall, upon the death, resignatio
removal or expiration of the term of any officer, audit th
accounts of such officer, and if such officer be found indebte
to the city he shall immediately give notice thereof to th
council and the corporation counsel, and the latter sha
proceed forthwith to collect the same.

Annual financial statement.

SECTION 60. He shall make to the mayor annually, an
to the council whenever required, a report of the accounts
the city, verified by his oath, exhibiting the revenues, re
ceipts, disbursements, assets and liabilities of the city, th
sources from which the revenues and funds are derived, an
in what manner the same have been disbursed, which repo
shall be published as required by law or ordinance.

Other duties of auditor.

SECTION 61. He shall perform such other duties as ar
prescribed by law or ordinance for auditors or comptrollers i
cities of the second grade of the first class, not inconsisten
with the provisions of this act.

## DEPARTMENT OF LAW.

Director of law.

SECTION 62. The department of law shall be under th
charge of a director of law, to be appointed by the mayor a
hereinbefore provided, who shall be known as the corporatio
counsel, and who shall be the head of said department.

Assistants to be attorneys at law.

SECTION 63. The director of law shall have such assis
ants and clerks as may be authorized by ordinance, and h
and such assistants shall be attorneys at law, admitted an
qualified to practice in the courts of the state of Ohio.

Duties of director.

SECTION 64. The director of law shall be the legal advise
of and act as attorney and counsel for the city and for all it
officers in matters relating to their official duties. He sha
prepare all contracts, bonds and other instruments in writing
in which the city is concerned, and shall indorse on each hi
approval of the form and correctness thereof, and no contrac
with such city or any of its departments shall take effect un
til he has indorsed thereon such approval. He shall also pe
form such other duties as are or may be prescribed by law o
ordinance for solicitors in cities of the second grade of th
first class.

## DEPARTMENT OF CHARITIES AND CORRECTION.

Director of charities and correction.

SECTION 65. The department of charities and correction shall be under the charge of a director to be appointed by the mayor as hereinbefore provided, who shall be known as the director of charities and correction and who shall be the head of said department.

Duties and powers of.

SECTION 66. The director of charities and correction shall have the charge and administration of the work-house, house of refuge and correction, cemeteries, infirmary and all charitable or penal institutions established by such city. He may, with the approval of the mayor and under such regulations as may be provided by law or ordinance, discharge any person committed to the work-house and any infant committed to the house of refuge and correction, but a record thereof shall be kept by him and reported by the mayor to the council in his annual report, with a brief statement of the reasons therefor.

Powers of certain officers vested in.

SECTION 67. The director of charities and correction shall have all the powers and perform all the duties which are by law or ordinance vested in or required of the board of work-house directors, the board of directors of the house of refuge and correction, the trustees of cemeteries and the board of infirmary directors in such cities; and all laws and ordinances relating to work-houses, houses of refuge and correction, cemeteries and infirmaries in such cities shall apply to said department and be enforced by said director, except as herein otherwise provided.

## BOARD OF CONTROL.

Board of control: how appointed; duties and powers of.

SECTION 68. There shall be a board of control, composed of the mayor, who shall be president thereof, and the six heads of departments hereinbefore named, which board shall be the successor of and shall have all the powers and perform all the duties vested in the board of improvements and commissioners of sewers heretofore established in any such cities, and all laws and ordinances relating to the board of improvements or commissioners of sewers in such cities shall apply to such board of control. It shall also have all the powers conferred by law upon the board of revision in cities of the second grade of the first class.

Semi-weekly meetings; how votes taken and recorded.

SECTION 69. It shall have stated meetings at least twice each week, and shall keep a record of its proceedings. All votes shall be by yeas and nays and entered on the record, and a vote of a majority of all the members of the board shall be necessary to adopt any question, motion or order.

## OTHER OFFICERS AND BOARDS.

Other officers.

SECTION 70. The treasurer, police judge, prosecuting attorney of the police court, and the clerk of the police court shall have such powers and perform such duties as are now prescribed by law.

Other boards.

SECTION 71. The sinking fund commissioners, the depositary commissioners, the annual city board of equalization, the decennial board of equalization, and the board of tax commissioners shall continue as now established by law, but the city auditor shall be the clerk of said sinking fund commissioners and keep the accounts thereof.

## CONTRACTS.

Streets to be cleaned by contract.

SECTION 72. All paved streets shall be cleaned by contract, and the city council shall make suitable provisions by ordinance for such work to be so done, under the direction of the board of control and the director of public works.

No contract to be binding unless appropriation has been made.

SECTION 73. No contract, agreement or obligation shall be binding upon the city unless an appropriation therefor shall have been made by the council, but contracts continuing for a period of one year, upon which payments are to be made as the contract progresses, may be entered into by such cities, provided a tax has been levied to pay the estimated expenditures required by such contract, and that the same does not exceed the tax levied for that purpose, and in such case the certificate of the city auditor, as provided in section 2702 of the Revised Statutes, shall only be required to state the amount of the levy and that the same is sufficient to pay such expenditures and has not been appropriated for any other purpose.

Contracts above certain limits to be in writing; by whom approved.

SECTION 74. All contracts involving more than $250 in amount shall be in writing, signed and executed in the name of the city by the head of the appropriate department, and approved by the council and board of control, before they are binding upon the city.

Proposals to be advertised for in certain cases.

SECTION 75. No contract involving an expenditure to exceed $500 in amount shall be made without advertising for proposals in accordance with the next following section of this act. When money therefor has been already appropriated by the council, the heads of departments may contract for and make purchases not exceeding $250 at any one time for use in their respective departments, but all such contracts shall be forthwith reported to the city auditor.

How certain contracts shall be made.

SECTION 76. When the corporation makes an improvement or repair, or purchases any supplies, the cost of which will exceed $500, it shall proceed as follows:

Advertising for bids.

[1.] It shall advertise for bids for a period of two weeks, once each week, or, if the estimated cost exceeds $5,000, four weeks, once each week in two newspapers of general circulation, of opposite politics, published in the corporation, and the same shall be paid for at rates not exceeding the rates provided in section 4 of this act.

Filing of bids.

[2.] The bids shall be filed with the clerk of the board of control, sealed up by 12 o'clock at noon of the last day as stated in the advertisement.

Opening of bids.

[3.] The bids shall be opened at 12 o'clock at noon on the last day for filing the same by the clerk of the board of control, the mayor and the head of the appropriate department, or any

two of them, and publicly read by the officer opening the same, filed in the office of the board of control, and reported by the clerk of the board to the council at the next regular meeting thereafter, and copies of all bids shall be kept by the clerk in a book provided for that purpose.

Form of bids.

[4.] Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient bond of some disinterested person or persons, resident of the county, or a certified check on a solvent bank of such city for such an amount and upon such terms as may be prescribed by the officer or officers advertising for proposals, that if the bid is accepted the contract will be entered into and the performance of it properly secured.

Separation of items.

[5.] If the work bid for embraces, both labor and material, they shall be separately stated, with the price thereof.

Only lowest and best bid to be accepted.

[6.] None but the lowest and best responsible bid shall be accepted when such bids are for labor and material separately, but the council may, at its discretion, reject all the bids or accept any bid which may be the lowest aggregate cost, when recommended by the board of control.

How payment made.

[7.] The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash; provided, however, that the contract price for an improvement, for the payment of the cost of which a special assessment is authorized by law, may be paid in installments, as the council may have previously determined.

Work shall not be divided.

[8.] If two or more bids are equal for the whole or any part of the work, but are lower than any others, either may be accepted, but in no case shall the work be divided between them.

Rejection of bids.

[9.] When there is reason to believe that there is collusion or combination among the bidders or any number of them the bids of those concerned therein shall be rejected; provided, that in case of emergency and upon the recommendation of the mayor, the council may, by resolution, authorize an expenditure not exceeding $1,000 without complying with the provisions of this section.

Estimate of cost.

SECTION 77. Every contract for a public improvement or repair shall be based upon a detailed estimate of the cost of the whole improvement or repair.

No firm in which public official is interested to receive contract.

SECTION 78. No contract for work to be done for, or material to be supplied to, the city or any department thereof shall be made with any councilman, officer, or employe of the city, or with any firm, partnership, corporation or association of which such councilman, officer or employe is a member or stockholder, or by which he is employed in any capacity. If any councilman, officer or employe, during the term for which he shall have been elected or appointed, knowingly acquires an interest in any such contract, he shall forfeit his office.

## GENERAL.

Actions against city.

SECTION 79. Whenever an action is brought against the city on a claim for which the city would have a right of action

over against another person, company or corporation, the city may require such person, company or corporation to be made co-defendants therein, together with the sureties on the bond of such person, company or corporation, if there be any, and may file in such action a copy of the bond; and such person or company and sureties may make any defense to such claim that the city may make, and shall be liable to pay the judgment if any, rendered therein against the city, and said judgment shall be a lien upon the real estate of such person or company and sureties for the same in favor of the city from the date of filing the copy of the bond aforesaid.

Reorganization of departments: how accomplished.

SECTION 80. For the purpose of properly carrying out the provisions of this act the council shall enact ordinances providing for the reorganization of the several departments of the city so as to conform to the requirements of this act. All executive powers and duties not hereinbefore otherwise distributed, shall be assigned by ordinance, to the appropriate departments hereby created; provided, salaried officers whose terms shall not expire on or before the passage of this act shall, by the operations hereof, be transferred to the appropriate department hereby created, where they shall serve out their unexpired terms, performing similar duties as now, under the direction of the head of the department, but their compensation shall not be affected thereby.

SECTION 81. The first appointments under this act shall be made as soon as practicable after the election and qualification of the mayor, elected at the next annual municipal election.

Offices abolished.

SECTION 82. Except as herein otherwise provided, all existing officers, boards and departments in such cities are hereby abolished.

Certain laws not affected by this act.

SECTION 83. The provisions of the statutes now in force relating to the amount of compensation of the officers and members of the fire and police forces, and the laws relating to the firemen's pension fund, the police pension fund, and that part of section 2439 which provides that officers and firemen shall be alternately relieved from duty for the space of twenty-four hours in each week without loss of pay, and that part of section 2463 which allows a leave of absence of twelve days in each year to each officer and member of the department without loss of pay, shall not be affected or repealed by the passage of this act.

Officers and boards this act does not affect.

SECTION 84. This act shall not be constructed [construed] as applying to or affecting the board of elections, justices of the peace, constables or assessors.

Repeals.

SECTION 85. Sections 1926, 1927 and 2455 of the Revised Statutes, section 1 of an act entitled "An act to regulate the construction of buildings within any city of the first class and second grade, and to provide for the appointment of an inspector of buildings," passed April 16, 1888, as amended April 11, 1890, and an act entitled "An act to create the office of comptroller in cities of the second grade of the first class, and to prescribe his duties," passed April 15, 1889, are hereby repealed. Sections 1708, 2096, 2097, 2163,

2168, 2186, 2408, 2511 and 2580 of the Revised Statutes, so far as the same relate to cities of the second grade of the first class, and not otherwise, are hereby repealed, and all the provisions of the statutes of this state in force when this act takes effect, which conflict with any provision of this act, shall be held to be superseded by the latter, and, as to the matter of inconsistency, and not otherwise, the same are hereby repealed.

When act shall take effect.

SECTION 86. This act shall take effect and be in force from and after its passage; but, provided, that the present council in such cities shall continue as now constituted, and the present officers shall remain in office and perform their respective duties as heretofore provided by law or ordinance, until the election and qualification of the mayor to be elected at the next annual municipal election; and as herein further provided. But said present council shall have no power to advance, or to take any steps to advance any city to which this act applies, from one grade to another grade, or to in any manner change the grade of any such city or to attempt so to do, notwithstanding any provision of law to the contrary.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
93G

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[House Bill No. 1340.]

## AN ACT

**To provide for the establishment and construction of pounds, the appointment of pound-masters and to define the duties and powers thereof in cities of the first grade of the second class.**

Pounds established in certain cities (Columbus.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works in cities of the first grade of the second class be and the same are hereby empowered to establish, construct and maintain pounds and appoint pound-masters in such cities; provided, however, that if the establishment, construction and maintenance of any one of such pounds, necessitates an expenditure at one time of more than five hundred dollars ($500.00), the consent of the councils of such cities therefor shall be first obtained.

Duties of pound-master, etc.

SECTION 2. That any pound-master so appointed finding an animal mentioned in section 4202 of the Revised Statutes of Ohio, at large, contrary to the provisions of the chapter of which said section 4202 is a part, on view or information shall take up and confine the same within the pound under his charge, forthwith giving notice thereof to the owner of such animal, if known, and if not known, by posting a notice describing such animal therein at the gate of such pound, and if said owner does not appear and claim his property and pay all charges for taking up, advertising and keeping the same within ten (10) days from the date of said notice, such animal or animals so taken up and confined may be pro-

ceeded with under the laws regulating estrays; the mere act of any such animal running at large in or upon any of the places mentioned in said section 4202 shall be prima facie evidence that such animal is so running at large contrary to the provisions thereof, but if it be proven that such animal escaped from the owner or keeper thereof, without his knowledge or fault, then it shall be given up to the owner or keeper thereof upon payment at the rate of fifty cents ($.50) per day of twenty-four hours for keeping the same from the date of taking up until surrendered to the owner. And if any pound-master so appointed shall take any animal named in section 4202 out of an inclosure where the same has been placed by the owner, or shall willfully neglect to perform any of the duties above required, he shall, upon conviction, be fined not more than twenty-five dollars ($25.00) or imprisoned not more than twenty (20) days or both.

Release of impounded animals.

Fees.

SECTION 3. Any of said pound-masters taking up any such animal shall be entitled to charge and receive from the owner or keeper of such animal the fees prescribed by section 4208 of the Revised Statutes of Ohio.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
94G

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[House Bill No. 387.]

AN ACT

Authorizing and requiring the secretary of state to turn over to the professor of physics of the Ohio state university, certain apparatus used by him as sealer of weights and measures.

Sealer of weights and measures: duties of, to be performed by whom.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the duties heretofore required of the secretary of state under sections 142, 147, 3555 and 3561 of the Revised Statutes, are hereby transferred to the professor of physics of the Ohio state university, and the secretary of state is hereby required and directed to turn over to the professor of physics aforesaid, the weights and measures, meter-provers, apparatus and appliances heretofore used by him as said sealer of weights and measures.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
95G

[House Bill No. 388.]

AN ACT

To amend sections 142, 147, 3555 and 3561 of the Revised Statutes of Ohio.

Sealer of weights and measures:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 142, 147, 3555 and 3561 of the Revised Statutes of Ohio be so amended as to read as follows:

Professor of physics of Ohio state university shall have charge of standards of weights and measures.

Sec. 142. The professor of physics of the Ohio state university shall be ex-officio state sealer, and the standards of weights and measures adopted by the state shall be deposited in a suitable room at the Ohio state university, and the same shall be by him kept in suitable cases, which shall be opened only for the purpose of comparing with such standards the copies which by law are to be furnished for the use of the several counties, unless by a joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. (58 v. 78, § 5; S. & S. 924.)

State sealer shall have charge of apparatus for inspecting gas and meters, etc.

Sec. 147. The state sealer of weights and measures shall have charge of all the apparatus and property, belonging to the state, intended for the inspection of illuminating gas and gas meters, and the testing of the registration of meter-provers; he shall test the registration of all meter-provers that may be presented to him for that purpose, and shall stamp and seal all such meter-provers, so tested, that are found correct; for testing the registration of gas meter-provers, to be paid by the persons requiring such service, he shall be allowed the sum of five dollars for each meter-prover tested. (73 v. 227, § § 1, 2.)

Gas companies to furnish certain apparatus

Sec. 3555. There shall be provided, at the expense of the gas companies of this state, by the state sealer of weights and measures, at the Ohio state university, a standard measure of the cubic foot, and such other apparatus as in his judgment shall be necessary for the performance of his duties under this chapter. (63 v. 164, § 7; S. & S. 159.)

Each company to provide certain apparatus

Sec. 3561. All gas companies supplying the public with illuminating gas which are not supplied with such apparatus, shall forthwith provide for their use a meter-prover, the holder of which shall contain not less than five feet, the same to be tested, stamped, and sealed by the state sealer of weights and measures, at the Ohio state university, before being used, and a photometer for the comparison of the lights of gases and candles by means of a disk. (73 v. 227, § 3; S. & S. 159.)

Repeals.

SECTION 2. That sections 142, 147, 3555 and 3561 of the Revised Statutes are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.

96G

[House Bill No. 457.]

## AN ACT

To amend section 6095 of the Revised Statutes of Ohio.

Executors and administrators:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6095 of the Revised Statutes of Ohio be amended so as to read as follows:

Proceedings when claim exceeds one hundred dollars.

Sec. 6095. But if the claim so referred to arbitration exceed one hundred dollars, upon filing the agreement of reference in the probate court of the county in which the letters were issued, the probate judge shall docket the cause, and make an order referring the matter in controversy to the referees so selected.

Repeals.

SECTION 2. That said original section 6095 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
97G

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[House Bill No. 660.]

## AN ACT

To require the county commissioners in any county containing a city of the second class, third grade, to provide a depositary for the county funds, and to repeal an act passed March 11, 1889 (O. L., v. 86, p. 71).

Depositaries established in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county containing a city of the second class, third grade, it shall be the duty of the county commissioners to designate, in the manner hereinafter provided, a bank situated in the county, and duly incorporated under the laws of this state or of the United States, as a depositary of the money of the county. But the provisions of this act shall not apply to any county which at the federal census of 1880, had a city containing a population of eighteen thousand one hundred and thirteen (18,113).

Certain counties excepted.

County commissioners shall invite proposals.

SECTION 2. The county commissioners shall, on the taking effect of this act, and thereafter biennially, publish, in one newspaper published and of general circulation in the county, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest and not less than two per centum, that will be paid for the use of the money of the county, as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal be accepted.

Opening bids and awarding contract.

SECTION 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest, and the best security therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may reject all proposals and advertise for others in the same manner aforesaid.

When award shall be binding; bond required.

SECTION 4. No such award shall be binding on any such county, nor shall any of the money of the county be deposited thereunder, until the hypothecation of the bonds provided for in section seven, or until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the county commissioners for the use of the county, in such sum as the commissioners may direct, which, in counties within the provisions of this act, shall not be less than three hundred thousand dollars, and such undertaking shall be signed by not less than six resident freeholders as sureties, not more than half of whom shall be stockholders in the bank, to the satisfaction of the commissioners, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into its custody under and by virtue of this act, and under and by the award of the commissioners, together with the interest thereon, at the rate specified in the proposals; and the undertaking shall be further conditioned for the faithful performance of [by] the bank of all the duties imposed by this act upon the depositary of the money of the county.

Bond must be approved by common pleas court.

SECTION 5. Such undertaking shall not be accepted by the commissioners until it has been submitted to the prosecuting attorney and the judge of the court of common pleas of the county, and certified by them to be in due and legal form and conformable to the provisions of this act, which certificate shall be indorsed thereon by the prosecuting attorney, and if any bank to which an award is made as aforesaid fail to execute an undertaking as required hereby to the acceptance of the commissioners, or fail to hypothecate the bonds as provided in section seven, within three days from the time the award is made, the commissioners may award the use of the money to any other bank whose written proposal offers the same rate of interest therefor as designated in the proposal of such defaulting bank, the undertaking or hypothecation of bonds required to be executed in either case; or the commissioners may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid.

When bank becomes depositary.

SECTION 6. The bank to which an award is made shall, upon the acceptance by the commissioners of the undertaking provided for herein, become the depositary of the money of the county, and remain such until the undertaking of its successor is accepted by the commissioners; but the commissioners may, at any time they deem the same necessary,

Additional security may be required.

require additional security from the bank, in such sum as they shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom forthwith. Such removal, and all other removals under the provisions of this act, shall be made upon the written order of the commissioners; and the county auditor shall, upon the receipt of such order, issue his warrant, and the county treasurer his check for the removal, and the money shall be disposed of as provided in section eight.

Commissioners may accept certain bonds as security.

SECTION 7. The commissioners of any such county may, in lieu of the undertaking provided for by preceding sections, accept as security for money deposited as aforesaid interest-bearing bonds of the county, or the city in which the depositary is located, or bonds of the United States, the face value of which shall not be less than the sum specified in section four as the amount to be named in the undertaking in lieu of which such bonds are accepted; or they may accept such bonds as partial security, to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the county in case of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safekeeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

In case no depositary is secured.

SECTION 8. If at any time, for any cause, the commissioners be unable to secure a depositary as provided by preceding sections, the money of the county shall remain in the custody of the county treasurer, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be removed to the county treasury, in the manner provided in section six for the removals, and in either case the treasurer shall be the custodian thereof until such time as a depositary is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the auditor, which in such case shall not be in duplicate; and during such time he shall keep such books, and make to the auditor such statements of receipts and payments, as are required in case the money of the county is in the custody of a depositary designated by the commissioners, except that they shall show that such money is in the custody of the treasurer instead of such depositary.

Deposit and drawing of money.

SECTION 9. The treasurer shall, upon the receipt of a written notice from the commissioners stating that a depositary has been selected in pursuance of the provisions of this

act, and naming the bank selected as such depositary, deposit, to the credit of the county, all money in his possession, except as provided in section fourteen, in the bank constituted the depositary as aforesaid, and thereafter he shall, before noon of each business day, deposit in such depositary all money received by him the preceding business day, except as provided in section fourteen, thereof, and such money so deposited shall be payable only on the check of the treasurer, which check shall not be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the county auditor authorizing the payment of the sum for which the check is drawn. All warrants issued by the auditor upon the treasurer for the payment of money (except as provided in section fourteen, and also when the money of the county is in the custody of the treasurer), shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," which shall be filed and kept by the treasurer in his office, and the other of which shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of the treasurer. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provisions of section eleven hundred and eight of the Revised Statutes; but when any fund is exhausted, and the commissioners are satisfied that, of the undivided money on hand received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is in amount such that a part of it may judiciously be assigned to such exhausted fund in advance of such distribution, they may make an order and the same shall be made, a matter of record in the proceedings of the board of commissioners, directing such assignment, and the auditor shall notify the treasurer thereof in writing. All money deposited with the depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed. The depositary shall notify the auditor, in writing, before noon of each business day, of the amount of deposits made by the treasurer, for the preceding business day, and when the interest is credited to the county the depositary shall notify the auditor and treasurer, in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

Money deposited with depositary must bear interest.

SECTION 10. The treasurer shall make to the auditor a sworn statement on the second and fourth Saturday of each month, showing the total amount of money received by him, the total amount deposited in the depositary, the total amount paid by check on the depositary, the total amount paid out in cash, the balance in the depositary, and the balance in the treasury; and he shall keep such accounts, in books to be provided for that purpose, as shall enable him to make such state-

Semi-monthly and daily statements, etc.

ments. All money paid to the treasurer, except for taxes and except also money received from the state treasury, shall be upon the order of the auditor, and the treasurer shall give receipts therefor, each of which shall be made and signed in duplicate, one of which shall have printed across its face the word "original," and the other the word "duplicate," and each duplicate shall be filed with the auditor on the day of its date; and each such receipt shall show the amount received, from whom received, and on what account, and shall state the fund to which the money is to be applied; provided, that in case of money received by the treasurer from the state treasury, the triplicate warrant required by section ten hundred and eighty-five of the Revised Statutes to be transmitted to the auditor by the auditor of state shall take the place of the duplicate receipt above provided for, and the treasurer shall not give receipts for taxes in duplicate, but in lieu thereof shall at the close of each business day, file with the auditor a statement of the amount of money received by him for taxes and penalties during the day.

**Accounts to be kept by auditor.**

SECTION 11. The auditor shall keep in his office books in which shall be entered the daily receipts of the treasurer's office, as shown by the duplicate receipts returned to him by the treasurer, and by the statements of money received for taxes and the triplicate warrants mentioned in the preceding section, the amount of the deposits made by the treasurer each day in the depositary, as shown by the daily statements of the depositary to the auditor, and the amount remaining in the treasurer's hands in pursuance of section fourteen, or when the treasurer is custodian of all the money, as shown by the treasurer's daily statements received by him; and in such books the money received by the treasurer from taxes of all kinds shall be shown in an account entitled the "undivided tax account," and all other receipts by him shall be shown in accounts indicating the respective funds to which the money belongs. He shall enter in such books also the amount of warrants issued by him each day to the treasurer; and the accounts in such books shall be so kept as to show the balance of each fund, the balance of undivided money received for taxes, and the balance of the money received from the state treasury, and on account of school lands, each day, in his hands and in the hands of the depositary respectively.

**Auditor must certify, etc.**

SECTION 12. Upon the receipt each day by the auditor of the sworn statement provided for in section ten, he shall certify thereon to its correctness, if, upon comparison with his books, it be found to be correct, and shall file such statement in his office; but if any such statement be found by the auditor at any time to be incorrect he shall forthwith give notice thereof to the treasurer, and unless the discrepancy be immediately discovered and corrected he shall notify the comissioners thereof without delay.

**Payments must be made by checks.**

SECTION 13. Except as provided in sections eight and fourteen, the treasurer shall not pay out any money otherwise than by check on the depositary, as provided in section nine. But before he issues a check in payment of any draft made

upon him by the auditor of state in favor of the treasurer of state, he shall exhibit such draft to the county auditor, and file with him a certified copy thereof, and the auditor shall thereupon issue his warrant authorizing the treasurer to issue his check for the amount specified in the draft; and before he remits to the treasurer of state any money on account of school lands he shall notify the auditor in writing of his readiness to do so, and of the amount, and the auditor shall file such notice, and issue his warrant authorizing the treasurer to draw his check upon the depositary for the amount; but if the money for such payments be in the custody of the treasurer instead of a depositary, the same proceedings shall be had, except that the warrants of the auditor shall authorize the payments otherwise than by such checks.

Balance not exceeding five thousand dollars may be retained by treasurer.

SECTION 14. The treasurer shall pay in cash warrants issued by the auditor for the payment of fees of jurors and witnesses, and also warrants so issued payable from the soldiers' relief fund, and he may retain in his hands from day to day a sufficient amount of the receipts of his office to enable him to do so, but the balance of money so withheld from deposit shall at no time be in excess of five thousand dollars; and warrants issued for the purposes aforesaid shall not be in duplicate; but if at any time the money so retained by the treasurer is entirely paid out, and the current receipts of his office are insufficient to pay such warrants, the auditor, if so authorized by the commissioners, shall issue his warrant to the treasurer authorizing him to draw his check upon the depositary for the amount specified therein, which shall not be in excess of five thousand dollars, to pay such warrants.

Sworn monthly statement: must be made by auditor.

SECTION 15. On the first business day of each month the auditor shall prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, and the balance remaining to the credit of each, and also to the balance of money in the depositary, the balance in the treasury in pursuance of section fourteen; and, if the money of the county be in the custody of the treasurer instead of a depositary, the total balance thereof in the treasury, as shown by the reports filed with him, and the commissioners shall place such statement on file, and forthwith post a duly certified copy thereof in the auditor's office, to remain so posted at least thirty days for the inspection of the public. On the day aforesaid, some officer of the bank acting as the county depositary, shall file with the county commissioners all checks of the county paid and redeemed by the bank during the previous month; and the commissioners shall compare such checks with the records of the auditor's office, and if they find the same to correspond therewith, they shall give the bank a receipt for the same, and shall forthwith cancel and file such checks in the office of the county auditor, who shall receipt to the county treasurer for the same, as is provided in section one thousand one hundred and eleven of the Revised Statutes.

Comparison of, with checks on depositary.

Liability of treasurer.

SECTION 16. Nothing in this act shall be held or consi ered as in any manner changing or affecting the liability treasurers of counties covered by its provisions, except th they shall not be held liable for any loss of money deposit by them in depositaries as provided for herein while su money is in the custody of such depositaries.

Penalties.

SECTION 17. An officer of any such county who willful violates any provisions of this act, or willfully neglects or fuses to perform any duty thereby imposed upon him, sha upon conviction thereof in the court of common pleas, fined in any sum not exceeding one thousand dollars, or imprisoned in the jail of the county not less than thr months nor more than one year, or both, at the discretion the court.

Repeals.

SECTION 18. Said act passed March 11, 1889, Ohio law vol. 86, page 71, is hereby repealed.

SECTION 19. This act shall take effect and be in force fro and after ninety days after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representativ*
PERRY M. ADAMS,
*President pro tem. of the Sena*

Passed March 17, 1891..
98G

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[House Bill No. 661.]

AN ACT

To create a depositary commission in cities of the second class, th grade, and to establish a depositary for school funds of such cit and to repeal an act passed March 12, 1889 (Ohio laws, vol. page 80).

Depositary commissions created in certain cities.

SECTION 1. *Be it enacted by the General Assembly of the St of Ohio*, That the money belonging to each city of the seco class, third grade, shall be deposited, by the treasurer of t city, as hereinafter provided, in a bank situated within t boundaries of the city and duly incorporated under the la of this state or of the United States, to be designated, in t manner hereinafter provided, as the depositary for su money, by a commission composed of the mayor, preside of the board of education and the president of the counc and their successors in office, and to be known as the dep itary commission.

Commission to be provided with books, etc.; meetings, etc.

SECTION 2. The officers designated in the precedi section as constituting such depositary commission shall ser as members thereof, and the commission shall be provid with necessary books and stationery, at the expense of t city; and the mayor shall be president, and the president the council shall be secretary of the commission. The co mission shall hold meetings on the first business day of ea month, and whenever called to meet by the president fo special purpose, at the council chamber of the city, sh

keep a record of its proceedings, and file all official papers received by it, which record and papers shall be open to public inspection; and a transcript of any entry in such record, or a copy of any such paper, duly certified as such by the president and secretary shall be received as evidence in any of the courts in this state.

Advertising for proposals.

SECTION 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in one newspaper printed and of general circulation in the city and district, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of section one, which proposals shall stipulate the rate of interest, and it shall not be less than two per centum, they will pay respectively for the use of the money aforesaid; and such proposal shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same in case its proposals be accepted.

Opening bids and awarding contract.

SECTION 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals, and shall award the use of such money to the bank offering the highest rate of interest therefor; but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; or if the commission have reason to believe there is collusion between the banks as to the rate of interest to be paid for the funds thus advertised to be placed in a city depositary, or if there be no bids, the commission may advertise from time to time until satisfactory bids are received.

When award shall be binding; bond required.

SECTION 5. No such award shall be binding until there is executed by the bank and accepted by the commission, a good and sufficient undertaking, payable to the city, in a sum not less than three hundred thousand dollars, to be recovered in the name of the depositary commission, for the use of the city. Such undertaking shall be signed by six resident freeholders of the city as sureties, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and it shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of such money.

Bond must be approved by city solicitor.

SECTION 6. The undertaking provided for above shall not be accepted by the commission until it has been submitted to the city solicitor and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be indorsed on the undertaking by the city solicitor, and if the bank to which an award is made as aforesaid fails to execute the undertaking required hereby, to the acceptance of the commission, within three days after the

award is made, the commission may award the use of
money to any other bank the written proposal of which of
the same rate of interest therefor as is designated in
proposal of such defaulting bank; but not a less rate tha
provided for in section 3, of this act, or the commission m
in case of default as aforesaid, reject any or all bids, and
vertise for others in the manner aforesaid; and in case of
award after such default the bank to which the awar
made shall execute an undertaking as aforesaid, to
acceptance of the commission.

When bank becomes depositary.

SECTION 7. The bank to which an award is made sh
upon the acceptance of such undertaking by the commissi
become the depositary of the money aforesaid until the
dertaking of its successor is accepted by the commission;

Additional security may be required.

the commission may require additional security from
bank, at any time it deems the same necessary, in such s
as it shall designate; and if the bank refuse or neglect, for
period of five days thereafter, to give such additional securi
the removal of the money therefrom forthwith may be orde
by the commission. The order for such removal, or
any removal under the provisions of this act, shall be ente
in the record of proceedings of the commission; and a co
thereof duly certified as such by the president and secret
of the commission shall be transmitted to the city coun
and a like copy to the board of education of the school
trict, and thereupon the city clerk shall issue his warrant
the withdrawal of the money of the city from the deposita
and thereupon the city treasurer, as such, and as treasurer of
school funds, shall issue checks accordingly for the remov
the money shall be disposed of as provided in section ni

Commission may accept certain bonds as security.

SECTION 8. The commission [er] may, in lieu of the
dertaking provided for by preceding sections, accept as securi
for money deposited as aforesaid, interest-bearing bonds of
city or school district, or of the county within which the
positary is located, or of the state of Ohio, or of any coun
within said state or United States bonds, the face value
which shall not be less than the sum specified in section fi
as the amount to be named in the undertaking in lieu
which such bonds are accepted; or the commission may acce
such bonds in lieu of such undertaking in full and of t
other in part; and in case of such acceptance as partial sec
rity the commission shall require an undertaking for t
remainder of the full amount of the security specified in sa
section to be named in the undertaking, and in the unde
taking so required such acceptance of bonds as partial securit
and the extent thereof, shall be set forth. The hypothecati
of such bonds shall be by indorsement of the fact and purpo
on the back of each, which indorsement shall stipulate th
the bond shall be the property of the city or of the scho
district, as the case requires, in the event of any default o
the part of the bank in its capacity as depositary as afor
said, and that its negotiation or release by the commissio
shall require the signature of each member thereof. Th
commission shall make ample provision for the safe-keepin
of such bond or hypothecated bonds; and the interest ther

on, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

In case no depositary is secured.

SECTION 9. If at any time, for any cause, the commission be unable to secure a depositary as provided by preceding sections, the money shall remain in the custody of the treasurer aforesaid, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be transferred to such treasurer, in the manner provided in section seven for removals, and in either case such treasurer shall be custodian as aforesaid until such time as a depositary is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the city clerk, which in such case shall not be in duplicate; but he shall keep such books and make such statements of receipts and payments, as city treasurer, as are required by this act when the money is in the custody of a depositary, except that such books and statements shall show that the money is in his custody instead of being in the custody of a depositary.

All public funds must be placed with treasurer.

SECTION 10. It shall be the duty of every board, officer, agent, and employe of each city within the provision of this act, having money in their hands belonging to the city, to deposit such money with the city treasurer upon the taking effect of this act; and thereafter such boards, officers, agents and employes as receive money on account of the city shall deposit with the treasurer daily all money so received by them, and no person or employe of the city shall pay out any public money for any purpose except such as is paid out by the city treasurer under the provisions of this act.

Deposit of money: when it shall begin.

SECTION 11. The treasurer aforesaid shall, upon the receipt of a written notice, signed by the president and secretary of the commission, stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank selected, deposit in such depositary all the money in his custody belonging to the city and to the school district, respectively, and thereafter he shall, at the close of each business day, deposit therein his total receipts for the day. All money so deposited shall bear interest at the rate specified in the proposal of the bank selected as depositary, to be computed on daily balances; and on the first day of March and the first day of September each year, and at any time the accounts are closed, the depositary shall place such interest on the money of the city to the credit of the city, and the treasurer shall, in writing, notify the city clerk of the amount so credited to the city, which shall be credited by the clerk to its several funds, including the school fund, in proportion to the total amount of each deposited.

All moneys deposited shall bear interest.

Daily reports by depositary

SECTION 12. The depositary shall, in writing, notify the city clerk before noon of each business day of the amount of deposits to the credit of the city, made by the treasurer the preceding business day; and the depositary shall pay out money deposited under the provisions of this act only on the checks of the city treasurer, and no such check shall be valid or payable unless it have partly printed and partly written,

How money paid out by depositary.

on the same paper therewith, a duplicate of the warrant the city clerk, authorizing the payment of the sum specif in the check. All such warrants and orders shall be dra and signed in duplicate, one of which shall have prin upon its face the word "original," and shall be filed and k in the office of the treasurer to whom it is issued, and other shall have printed upon its face the word "duplica and shall be and remain unsevered from the check of su treasurer.

Semi-monthly statements required.

SECTION 13. On the second and fourth Saturday of e month the city treasurer shall make to the city clerk a sw statement of the total amount of money received by him, total amount deposited in the depositary, the total amo of checks issued on the depositary, and the balance in depositary, and he shall keep such books as shall enable h to make such statements. All money paid to the city tre urer, except the collection of taxes placed upon the duplic by the county auditor, shall be paid upon the order or dr of the city clerk, and receipts given therefor shall be duplicate, one of which shall have printed upon its face word "original," and the other the word "duplicate." T duplicates of receipts for money belonging to the city sh be filed with the city clerk, and each duplicate shall be filed on the day of its date; and each receipt and duplic shall state the amount received, from whom received, and what fund or funds the same is to be applied.

How money paid to city treasurer.

Certain pay-rolls to be paid with cash.

SECTION 14. The monthly pay-rolls of the police, and street departments of the city, and the monthly pay-ro of the board of education of the school district, shall be p in cash; and to provide money for such payments the c clerk, upon the receipt of an order and a pay-roll specifyi the amount and to whom such payments are due, from t clerk of the board of education, countersigned by the pre dent of the board, shall issue an order upon the treasurer an amount equal to such pay-roll, which order and pay-r shall be by the clerk of the city delivered to the treasur who shall draw his check upon the city depositary, if t money of the city is in the depositary, and if in the c treasury, in either case he shall pay the persons to wh such several amounts are due, taking their receipts there upon such pay-roll. And for the pay-rolls of the city depa ments specified in this section, the clerk of the city sh after approval by ordinance by the city council, issue order upon the treasurer, and with delivery of such order the treasurer, shall be a complete pay-roll of each of aforesaid departments, specifying the person to whom s the amount to be paid; and the treasurer, upon the rece of the order and pay-roll, shall draw his check upon the c depositary, if the money of the city is in a depositary, s if in the city treasury he shall, in either case, pay said seve amounts, taking the receipt of the person to whom such p ments are due upon the pay-roll furnished the treasurer the city clerk; but all other payments made by the city sh be by separate orders, and shall be drawn in favor of t person to whom the amounts specified therein, respective

are due, or in favor of their assigns. And each and every order drawn by the city clerk shall be in duplicate, the original being delivered to the party to whom the payment is made, and the duplicate, a stub from which the original has been detached, kept in a book provided by the city for such original and duplicate orders, and on file in the office of the city clerk.

Books to be kept by city clerk.

SECTION 15. The city clerk shall keep in his office books in which shall be entered the receipts of the city treasurer's office daily to the credit of the city, as shown by the duplicate receipts returned to him by the treasurer, the amount of deposits by the treasurer daily with the depositary to the credit of the city, as shown by the statements of the depositary, the daily aggregate amount of all warrants issued by him, and the balance at the close of each business day to the credit of the city in the hands of the depositary. And upon receipt by the city clerk of the sworn statement provided for by section thirteen, he shall certify thereon to the correctness of the same, if, upon comparison with his books, he find the same to be correct, and shall file such statement in his office. If any such sworn statement be found incorrect he shall forthwith give notice of such fact to the treasurer, and unless the discrepancy be discovered and corrected immediately he shall forthwith notify the depositary commission thereof.

No order to be issued unless sufficient money in the fund.

Monthly statements by city clerk.

SECTION 16. The city clerk shall keep in his office books which shall show the balance daily to the credit of each fund of the city department and school district, and shall issue no order payable from any such fund unless there is money belonging thereto for the payment of the order in full; and on the first business day of each month he shall prepare, and submit to the depositary commission, a sworn statement for the preceding month, showing the total amount of money received into and paid out of each fund respectively, the balance to the credit of each, and also the total balance of money to the credit of the city and the school district, respectively, in the custody of the depositary, which statements shall be placed on file by the commission, and a copy of the statement made by the city clerk, duly certified as such by the commission, shall be transmitted to the board of councilmen in [of] the city, and a like copy of the statement shall be transmitted to the board of education of the school district, and each shall be read in open session at the next meeting of the board to which it is transmitted. On the day aforesaid some officer of the bank acting as the city depositary shall file with the depositary commission all checks of the city treasurer paid and redeemed by the bank during the previous month, and the commission shall compare such checks with the records of the city clerk's office, and if they be found to correspond the commission shall give the bank a receipt for the same, and they shall forthwith cancel and file such checks in the office of the clerk.

Comparison of accounts.

When city clerk shall issue warrants

SECTION 17. Upon the passage by the common council of any city contemplated by this act of the aforesaid ordinance, duly approved, providing for the payment of obligations of the city, the city clerk shall issue his warrants,

subject to the provisions of sections fourteen and sixteen for the payment of such obligations, respectively.

Liability of treasurer.

SECTION 18. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of the treasurer of the city; provided, such treasurers shall not be held liable for the loss of any money deposited as aforesaid while it is in the custody of the depositary.

City treasurer to be treasurer of school funds.

SECTION 19. In each city within the provisions of this act, the city treasurer shall also be treasurer of the school funds of the city.

Penalty.

SECTION 20. An officer, agent, or employe of any city contemplated by this act, or of any officer of the board of education of any such school district, who willfully violates any provision of this act, or willfully neglects or refuses to perform any duty imposed upon him by this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, for the use of the city, if he be an officer, agent, or employe of the city, and for the use of the school district if he be an officer, agent, or employe of the board of education thereof, or be imprisoned in the jail of the county not less than six months nor more than one year, or both, at the discretion of the court, and shall stand committed until fine and costs are paid. This act shall not apply to any city having a population, at the federal census of 1880, not less than 12,250 or to any city of the second class, third grade, which at the federal census of 1880 had, or at any subsequent census may have a population of eighteen thousand one hundred and thirteen (18,113) and not more than 12,270.

Certain cities excepted.

Repeals.

SECTION 21. Said act passed March 12, 1889 (O. L., 86, p. 80), is hereby repealed.

SECTION 22. This act shall take effect and be in force from and after ninety days from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
99G

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[House Bill No. 783.]

## AN ACT

To amend section 5 of an act entitled "An act to compel children under fourteen years of age to attend school a certain length of time each year," passed April 15, 1889.

Schools, and attendance enforced:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4022—5, section 5, of the Revised Statutes of Ohio, passed April 15, 1889, Ohio laws, vol. 86, page 335, be so amended as to read as follows:

Habitual truants.

Sec. 5. That all children between the ages of seven and fourteen years who are habitual truants from school, or while in attendance at any public or private school are incorrigible, vicious or immoral in conduct; and all children between said

ages, and all minors between the ages of fourteen and sixteen who can not read and write the English language, who absent themselves habitually from school, or who, while in attendance at any public or private school, are incorrigible, vicious or immoral in conduct, or habitually wander about the streets and public places during school hours, having no business or lawful occupation, shall be deemed juvenile disorderly persons and subject to the provisions of this act.

SECTION 2. That section 5 of an act entitled "An act to compel children under fourteen years of age to attend school a certain length of time each year," passed April 15, 1889 (Ohio laws, vol. 86, p. 335), be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
100G

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[House Bill No. 830.]

AN ACT

To amend section 4697 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4697 of the Revised Statutes be so amended as to read as follows: Appeals in road cases:

Sec. 4697. An appeal to the probate court from the final decision of the trustees of the township on any petition or report for or against the establishment of a road, shall be allowed, and the court may order another view of the road, assessments of damages, or make any other order which may be just and reasonable in the case, if the appellant enter into bond to the state, for the use of the township, in the sum of one hundred dollars, with sufficient security, to the acceptance of the township treasurer, within fifteen days from the date of the decision of the trustees; conditioned, in case the appeal be from a decision in favor of the establishment of a road, for the payment of all costs and expenses arising from such appeal if the road be established and the assessment of compensation and damages be not increased by the proceedings had in the probate court, and in case the appeal be from a decision against the establishment of a road, such bond shall be conditioned for the payment of all costs, and expenses arising from such appeal, if the road be not established by the proceedings in the probate court; and the appeal shall be entered with the probate judge within six days from the filing of the bond with the township treasurer. Appeals from township trustees.

SECTION 2. Said original section 4697 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect on and after i
passage.

NIAL R. HYSELL,
*Speaker of the House of Representative*
PERRY M. ADAMS,
*President pro tem. of the Sena*

Passed March 17, 1891.
101G

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[House Bill No. 955.]

AN ACT

To authorize the council of any incorporated village in the state of Oh which contained at the federal census of 1880, or which at any subs quent federal census may contain a population of not less than twen eight hundred and eighty nor more than twenty-eight hundred a ninety, to issue bonds and levy a tax for the payment of the same a the interest thereon, for the purchase and erection of an electric lig plant.

Certain villages (Cambridge) may borrow money for electric light purposes.

SECTION 1. *Be it enacted by the General Assembly of the Sta of Ohio*, That the council of any incorporated village in t state of Ohio, which at the last federal census contained, which at any subsequent federal census may contain a pop lation of not less than twenty-eight hundred and eighty n more than twenty-eight hundred and ninety, be and is hereb authorized to borrow not to exceed fifteen thousand dolla ($15,000), to be applied to the purchase and erection of a electric light plant for said village.

Issue of bonds.

SECTION 2. That for the purpose of meeting the expens aforesaid, the council of any such village is authorized to issu bonds, to be signed by the mayor and attested by the clerk such village, in denominations of not less than five hundr ($500.00) dollars, nor more than one thousand ($1,000.0 dollars, bearing interest at a rate not to exceed six per cen per annum, payable semi-annually; said bonds to be payal at such time or times, not exceeding fifteen years from t respective dates thereof, as said council may determine, whi said bonds shall not be sold for less than their par value, a said bonds may in the discretion of said council have intere coupons attached, and said bonds and interest shall be pa able at the office of the treasurer of such village.

Levy of tax.

SECTION 3. That for the purpose of paying said bon and the interest thereon, as the same shall become due, t said council is hereby authorized and empowered to levy all the taxable property of such village a tax for such amou annually not exceeding two mills above the maximum a thorized by the general laws, which levy shall be placed the duplicate by the auditor of the county, collected as oth taxes, and when collected paid over to the treasurer of suc village.

Question to be submitted to vote.

SECTION 4. That before such bonds shall be issued tax levied the question of issuing said bonds and levying sai tax shall be submitted to the qualified voters of such villa at a regular municipal or general election, or at a special ele tion called for that purpose, of which ten days' notice sha

be given in two newspapers printed and in general circulation in such village, designating the amount of bonds proposed to be issued and the purpose for which issued. Those voting in favor of the issue of said bonds shall have written or printed on their ballots the words "Issue of bonds—Yes;" and those voting against the same, the words "Issue of bonds—No;" and if sixty per cent. of the votes cast at said election shall be in favor of issuing such bonds, then the council of such village shall have authority at any time thereafter to issue and sell said bonds as herein provided.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
102G

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[House Bill No. 1014.]

AN ACT

To provide for the disposition of inmates of the Ohio soldiers' and sailors' home who may become insane.

Ohio soldiers' and sailors' home: providing for disposition of insane inmates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any inmate of "the Ohio soldiers' and sailors' home" becomes insane, the commandant of said home shall file with the probate judge of the county in which said home is located an affidavit substantially as follows:

The state of Ohio,———— county, ss:

————, commandant of said home, being duly sworn, says that he believes————, an inmate of said home, is insane, and that his being at large is dangerous to the community; that said inmate was received into said home from ———— county, on the —— day of————, 189—.

————————, A. B.

Probate judge shall determine sanity of inmate.

SECTION 2. When the affidavit is filed, the probate judge shall forthwith proceed to hear and determine the sanity of such inmate, as is provided for, and in accordance with title V, chapter 9, R. S. of Ohio, so far as the same are applicable; provided, that all inmates who shall be adjudged insane under this act, shall be enumerated in the quota of persons entitled to admission into the asylum for the insane from the county in which said inmate was a resident at the time of entering said home.

Insane inmate to be admitted to asylum for county from which sent.

Authority of probate judge defined.

SECTION 3. That in order to carry out the provisions of this act, the probate judge of the county in which said home is located shall have the same authority to act, and receive and order paid the same fees and costs as the probate judge would have in the county in which such inmate was a resident before entering said home. Said fees and costs to be

paid out of the appropriation paid by the state of Ohio, for the support of the soldiers' and sailors' home.

SECTION 4. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
103G

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[House Bill No. 1064.]

AN ACT

**To make appropriations for certain purposes therein named.**

Preamble.

WHEREAS, The national women's relief corps, auxiliary to the grand army of the republic, having established their national relief corps home for army nurses, mothers and widows of union soldiers of the late war at Madison, Lake county, Ohio, who are now, and who may hereafter be in indigent circumstances, and already having purchased suitable grounds and erected thereon buildings with a capacity for fifty inmates which is already fully occupied; and

WHEREAS, The charter or deed of said national women's home provides that any or all states may erect upon said grounds a cottage or home for said indigent mothers and widows in each state; and

WHEREAS, Ohio having been honored by the location of this home upon its soil, and reliable information exists that New York and other states are only waiting for Ohio to take the lead in this commendable and patriotic enterprise; and

WHEREAS, The women's national relief corps, by their charter and deed, stand pledged for the care and maintenance of the inmates of said Ohio home; therefore,

Making appropriation for Ohio cottage at national women's relief corps home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000), for the purpose of erecting upon the said grounds of the national women's relief corps home, at Madison, Lake county, Ohio, one suitable cottage home for the use and occupancy of the indigent mothers and widows of the Ohio union soldiers, sailors and marines of the late war, said indigent mothers and widows to be admitted under the conditions provided by the rules and regulations for the government, and under the management of the board of directors of said women's relief corps home. That in order to meet the payments for the construction of said cottage home the board of construction hereinafter provided is hereby authorized to issue drafts from time to time as needed, signed by a majority of said board, to the auditor of state, who shall, upon receipt of the same, issue his warrant in favor of said

board of construction upon the treasurer of state for said amounts.

Board of construction created.

SECTION 2. The construction, capacity, furnishing and equipment of said cottage or home be and the same is hereby confided to a board of construction consisting of seven members, four of whom shall be appointed by the governor of Ohio within twenty days after the passage of this act, and the president of the women's relief corps of the department of Ohio, together with the secretary of the board of directors of said women's national relief corps home, with one more lady whom they shall select, shall constitute the other three members of said board. And said board is required to meet at said home within ninety days after the passage of this act, to arrange and commence carrying out the provisions of this act. Said board shall serve without pay or compensation except actual necessary expenses.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
104G

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[House Bill No. 1114.]

AN ACT

To amend section 2 of an act entitled "An act relating to incorporated villages having a population of not more than one thousand [and] thirty-seven and not less than one thousand and thirty-six by the last federal census of 1870," passed March 19th, 1879 (vol. 76, p. 138, O.L.), and to repeal section 6 of said act.

Railroads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 8381 of the Revised Statutes of Ohio be so amended as to read as follows:

Amending act authorizing Georgetown to build a railroad.

Sec. 8381. If a majority of votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the mayor of said incorporated village, by and with the consent of a majority of the council thereof to appoint three trustees who shall be electors and freeholders of said village, to be called the trustees of ——— railway (the blank to be filled with the name of the railway as given in the resolution), and that said trustees shall be subjected to removal at the pleasure of said council of said village, and that they be required annually to make a full, detailed and itemized account of all their receipts and expenditures and of all their transactions as such trustees, and at such other times as said council may require, and that upon failure to perform their duties they may be sued upon their bond or bonds in the name of said incorporated village. When said trustees are appointed they shall enter into bonds to the village in such sums as the mayor may direct with one or more sufficient sureties to be approved by the mayor, con-

ditioned for the faithful discharge of their duties. The bond s taken shall be approved by the clerk of said incorporated vil lage and deposited with the treasurer of the corporation for safe keeping. It shall further be the duty of the mayor after th appointment of said trustees to enter the same upon th minutes and journal of the said mayor.

Repeals.

SECTION 2. That said original sections 8381 and 8385 b and the same are hereby repealed, but trustees heretofore pro vided for and now acting as such shall continue in office unt their successors provided for in this act shall be appointed an qualified.

SECTION 3. This act shall take effect and be in force fro and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representative*
PERRY M. ADAMS,
*President pro tem. of the Senat*

Passed March 17, 1891.
105G

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[House Bill No. 1236.]

## AN ACT

**To authorize cities of the third grade of the second class, having a popula tion at the last federal census of seventeen thousand, five hundre and sixty-five, to issue bonds for sewer purposes.**

Certain cities (Hamilton) authorized to issue bonds for sewer purposes.

SECTION 1. *Be it enacted by the General Assembly of the Stat of Ohio*, That cities of the third grade of the second class, hav ing a population at the last federal census of seventeen thou sand, five hundred and sixty-five, be and are hereby autho ized and empowered to issue and sell their bonds in any sur not exceeding two hundred and fifty thousand dolla ($250,000), for the purpose of constructing a system of sewe age. The council shall issue said bonds in conformity t section 2706 of the Revised Statutes of Ohio, and sell sai bonds under the provisions of the statutes in such cases mad and provided; said bonds with interest coupons attache shall by council be issued in amounts and in denominatio such as they may deem necessary; said bonds shall bear a ra of interest not exceeding six per cent. per annum, intere payable semi-annually, and the principal and interest pa able at the city treasurer's office at any time within a perio of fifty years from the date of issue thereof.

Levy of tax.

SECTION 2. For the payment of said bonds issued unde the preceding section the municipal council may levy a ta in addition to the amount otherwise authorized, every ye during the period the bonds have to run, sufficient in amou each year to pay the bonds falling due within that year an accruing interest.

Question to be submitted to vote.

SECTION 3. Before any bonds are issued or taxes levie the council by resolution passed therefor, shall submit th question of issuing the said bonds to the voters of the muni ipal corporation at a general state, municipal or speci

election, and not less than ten days' notice of the submission shall be given in one or more newspapers printed therein, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election, and if a majority of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds shall be issued and the taxes levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds," and those who vote against the same shall have written or printed on their ballots the words "Against the issue of bonds."

When sewers may be commenced.

SECTION 4. No sewer or part thereof, shall be commenced or made until a complete system of sewerage for said city, giving location of trunk and intercepting sewers, with plans, specifications, profile and estimate of cost has been made and adopted by the council.

SECTION 5. This act shall take effect and be in force on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
106G

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[House Bill No. 1524.]

AN ACT

To authorize the village council of any village of the first class, which had at the federal census of 1880 a population of not less than 4,630 nor greater than 4,640, to borrow money and issue bonds for the purpose of making certain improvements.

Certain villages (Alliance) may issue bonds for sewer purposes, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village of the first class which at the federal census of 1880 had a population of not less than 4,630, nor greater than 4,640, be and the said council is hereby authorized to borrow a sum of money not exceeding thirty thousand dollars for the purpose of providing sewerage for said village, and a sum of money not exceeding twenty thousand dollars, for the purpose of making permanent street improvements in said village, and that for the purpose of making said loan, said village council be and is hereby authorized to issue bonds of said village in such denominations, and payable at such times, not exceeding ten years from this act, as said village council may determine.

Interest; bonds to be signed, etc.

SECTION 2. Said bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof. They shall be signed by the mayor and countersigned by the clerk of said village, and shall be authenticated by the seal thereof, and a

complete record of the same shall be kept by the clerk of said village.

How bonds sold and money used.

SECTION 3. Said bonds shall be issued and sold from time to time as may be required to meet the actual cost and expense of the work and improvements herein provided. All moneys arising from the sale of said bonds shall be used exclusively for the said purposes.

Levy of tax.

SECTION 4. Said bonds shall be issued and sold in anticipation of the levy of a tax not to exceed two mills, to be levied by the council of said village on the taxable property thereof, every year during the period said bonds have to run, and which shall not increase the aggregate of taxation in said village for municipal purposes above the limit authorized by law. The tax so levied to form two separate funds, one to be known as the sewerage fund, and one to be known as the street improvement fund; said funds to be reserved and applied exclusively to the payment of said bonds with the accrued interest thereon, as the same from time to time may fall due.

Question to be submitted to vote.

SECTION 5. Before issuing said bonds, the council shall submit the question of issuing the same, to the qualified electors of said village, at some special or general election, as the council may determine in either case by giving notice thereof for ten days previous thereto, by publication in two newspapers published in, or of general circulation in said village. The tickets shall have written or printed thereon, the words: "Issue of bonds for street improvements and sewerage—Yes—No." If three-fifths of those voting upon the proposition at such election shall be in favor of issuing of said bonds, then, and then only shall said council be authorized to issue said bonds as hereinbefore provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
107G

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[House Bill No. 1453.]

AN ACT

To authorize the improvement of public roads in certain townships by the township trustees thereof.

Polk township, Crawford county, may vote on improvement of roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in this state, having within its boundaries a city of the fourth grade of the second class, not being a county seat, such township being bounded on two of its sides by counties other than that of which it forms a part, and in which no free turnpikes have been constructed or are in course of construction, shall, when the petition of one hundred or more tax-payers of such

township (including such city) is presented to them, praying for the improvement of the public roads of such township, submit the question of the improvement of the public roads thereof to the qualified electors of such township, including such city, at a general or special election, within sixty days after the presentation of such petition.

Manner of voting.

SECTION 2. The qualified electors of such township (including those of such city) shall, at such election, have submitted to them the policy of improving its public roads by general taxation. And those voting in favor of such proposition shall have on their ballots "Road improvement by general taxation—Yes," and those opposed "Road improvement by general taxation—No." The township trustees shall cause notice of such election to be given in all the newspapers published in and of general circulation in such township, and shall also cause handbills announcing the same to be posted up at the usual place of holding elections in each ward and precinct in such township, at least ten days prior to such election.

Conduct of election.

SECTION 3. The trustees of such township shall appoint three judges and two clerks for each ward and precinct therein, who shall conduct such election in like manner as is by law provided for holding other elections. They shall, within three days thereafter, return to the clerk of such township a full and correct abstract of the votes cast at such election, and shall be governed, in all respects, by the laws regulating general elections, and shall receive the same compensation as judges and clerks at other elections, which shall be paid out of the township fund upon the order of the township clerk. The poll-books and abstracts so returned to the township clerk shall, within five days thereafter, be opened by the township trustees and clerk, and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

Subsequent elections.

SECTION 4. If, at such election, a majority of the votes cast are against the policy of improving the public roads by general taxation, the township trustees shall not assess any tax for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall, to the qualified voters of such township, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

Appointment of road commission.

SECTION 5. If, at such election, a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders of such township, at least two of whom shall reside within the corporate limits of such city, as commissioners to designate and determine the established roads of such township, which should, in their opinion, be improved; but no road shall be by them designated which does not extend beyond the township limits; nor shall any public highway within the corporate limits of such city be so

designated unless it extends to and beyond the township line continuously. The commissioners shall call to their aid a competent engineer, who shall make a correct map of the township, plainly showing the established roads of such township which have been by such commissioners designated for improvement, and also, profiles of such roads, showing the grades thereof as they then exist, which he shall turn over to the custody of the township clerk.

Oath and compensation of road commissioners, etc.

SECTION 6. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath or affirmation, honestly and impartially to discharge their duties with a view to the public welfare. They shall receive as compensation two dollars per day for each day actually employed. The engineer shall receive such sum, not exceeding four dollars per day, as he may with the commissioners agree upon. The compensation of the commissioners and the engineer shall be paid out of the township fund, upon the order of the township clerk, after allowance by the township trustees.

Order of improvements.

SECTION 7. After the report of the commissioners and the map and profiles of the engineer have been filed with the township clerk, the township trustees shall, in determining which roads should be first improved of those designated by the commissioners, select those nearest the center line of the township, both east and west and north and south, and if, in their opinion, it is not expedient to undertake the improvement of the roads in all directions at one time, they shall proceed to first improve the road having the greatest length within the township.

Record of proceedings, etc.

SECTION 8. The trustees shall cause to be kept by the township clerk, in a book to be provided by them for that purpose, a full and complete record of their proceedings under this act, relating to the improvement of public roads; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by the trustees, whilst in session as a board, to be entered upon the record of their proceedings and by orders drawn in pursuance thereof by the township clerk, upon the township treasurer, and in favor of the persons only to whom the money is due.

Publication of notice.

SECTION 9. When the township trustees have by resolution determined to improve a designated road, the work of its construction shall be by them publicly let to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published in such township, and by handbills judiciously posted.

Letting of contracts.

SECTION 10. For the purpose of letting contracts the trustees shall cause each road about to be improved to be divided into suitable sections, and the sections shall be numbered from the point of beginning toward the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section, and also the materials which shall enter

into the construction of the same. Bidders shall be required to separately state their bids for each class of work in such manner as the trustees may demand, and shall also bid separately for the materials to be furnished.

Contractor must give bond.

SECTION 11. Each contractor shall be required to give bond in amount at least equal to the contract price, with sufficient sureties for the faithful performance of his contract, payable to the township trustees, for the use and benefit of the township, and with the necessary stipulations on the part of the contractor and the specifications of work and materials inserted therein.

How work to begin, and payments to be made.

SECTION 12. In all cases the construction of such improved roads shall commence at the point of beginning, and no payments for work or materials shall be made except upon estimates made by the superintendent of improved roads, appointed by the trustees, and by him duly certified, of work actually done, and of materials actually furnished, and after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

What roads may be improved, and how.

SECTION 13. No road shall be improved under the provisions of this act which is less than forty feet wide, and at least twenty feet thereof shall be turnpiked with earth so as to drain freely to the sides, and shall be raised with stone or gravel not less than ten nor more than sixteen feet in width, and not less than twelve inches thick in the center nor less than eight inches at the outer edge of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent or descent of the road be greater than seven degrees. The road shall be well provided with necessary side-drains, waste-ways and under-drains to prevent overflowing or washing by water; and the commissioners of the county in which such township is located shall, on the application of the township trustees, cause all necessary bridges and culverts on such roads to be constructed or reconstructed in a substantial manner, so as to conform to the grade of the improved road.

Improvements.

SECTION 14. All roads improved under the provisions of this act shall be free turnpikes; but the trustees of any such township shall have the same power to regulate the width of tires to be used on such roads as is conferred upon county commissioners in section 4904 of the Revised Statutes of the state of Ohio, and the penalties provided by section 4905 of said statutes, shall be applicable and imposed for any violation of the rules adopted by such trustees to regulate travel upon such improved roads.

Superintendent of improved roads.

SECTION 15. Before entering upon the improvement of any roads under the provisions of this act, the trustees of any such township shall employ some competent engineer, who shall be known as superintendent of improved roads, who shall be paid not more than four dollars per day for the time actually employed out of the funds raised for the improvement of roads. He shall, before entering upon his duties take and subscribe an oath or affirmation to faithfully and honestly

discharge his duties, and shall give bond in the sum of five thousand dollars, payable to the trustees for the use and benefit of such township, conditioned that he will faithfully and honestly discharge his duties, all and singular, as superintendent of improved roads of such township.

Duties of superintendent.

SECTION 16. It shall be the duty of the superintendent of improved roads of any such township to prepare all plans, profiles and specifications, and to determine the grades of any road about to be improved by the trustees of such township, when by them directed so to do; and all work done on such roads shall be under his supervision, and all materials shall be inspected by him, and both shall be subject to his approval. No payments shall be made for any work or materials except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties interested estimates for work done and materials furnished at such times as the contracts may provide, and may employ such assistants as he may require, who shall receive such reasonable compensation as the township trustees may allow.

Issue of bonds.

SECTION 17. For the purpose of providing the money necessary to meet the expenses of improving such roads, the trustees of any such township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding fifteen years, in sums of five hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; but such bonds shall not be sold for less than their par value, and the aggregate amount of the bonds of any such township at any one time outstanding shall not exceed fifty thousand dollars. The sale of all such bonds shall be advertised for at least thirty days, and the same shall be sold to the highest bidder.

Levy of tax.

SECTION 18. When the trustees of any such township have determined to improve any road or roads, as herein provided, in order to provide for the payment of such improvement, and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law, levy annually, upon each dollar of the valuation of all the taxable property of such township, including such city, an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year, until all the roads by such commissioners designated for improvement have been improved as herein provided, and the bonds issued for that purpose, together with the interest thereon have been paid.

Collection of tax.

SECTION 19. The trustees of any such township shall cause the amount of the taxes by them levied each year, under section eighteen of this act, to be certified to the auditor of the county in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township (including such

city), and the same shall be collected by the county treasurer in like manner as other taxes are collected.

Repair of improved roads.

SECTION 20. The trustees of any such township shall provide for the keeping in repair of such improved roads, and for that purpose the provisions of sections 4891, 4892 and 4894 of the Revised Statutes are made applicable to such townships.

Levy of tax for repair of roads.

SECTION 21. To provide a fund for the keeping in repair of such improved roads the trustees of any such township may levy, annually, an amount not exceeding one-half of one mill upon each dollar of the valuation of all the taxable property of such township, including such city, in adddition to the other road taxes by them levied.

Duties of township treasurer, etc.

SECTION 22. The treasurer of any such township shall receive and disburse all moneys arising from the provisions of this act. He shall receive as compensation therefor one per centum of the first ten thousand dollars, or less disbursed by him in any one year, and one-half of one per centum upon any amount in excess of ten thousand dollars, to be paid out of the township fund, and he shall receive no other compensation for services under this act.

No taxes to be levied by county commissioners.

SECTION 23. No taxes or assessments shall be levied upon any property in such township (including such city) by the county commissioners of the county in which it is located, under the provisions of chapters six, seven and eight of title seven of the Revised Statutes of Ohio, after any of the public roads thereof have been improved under the provisions of this act.

SECTION 24 This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 19, 1891.
108G

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[Senate Bill No. 557.]

## AN ACT

To amend an act entitled "An act to authorize the council of the incorporate village of Sabina, Clinton county, Ohio, to issue bonds for the purpose of sinking wells for natural gas."

Certain villages (Sabina) authorized to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be amended so as to read as follows: That the council of any village in this state having at the federal census of 1880, or that by any subsequent federal census may have a population of 757, be and they are hereby authorized to issue bonds not exceeding in amount the sum of five thousand dollars, bearing interest not exceeding six per cent. per annum, payable annually, for the purpose of providing funds to defray the expenses of sinking wells for natural gas.

Levy of tax.

SECTION 2. The principal of said bonds shall be payabl at such places and at such times, not exceeding ten years fro date of issue, as the council of said village may, by ordinanc determine, and the council of said village is hereby authorize to levy a tax upon all the taxable property of said village t pay said bonds and interest.

Bonds: how issued, etc.

SECTION 3. Said bonds shall be issued in such sums a the village council of said village may, by ordinance, determin and shall be signed by the mayor and countersigned by th clerk of said village, who shall make a record of the numbe date and amount of each bond, and they shall not be sold fo less than their par value.

Transfer of funds.

SECTION 4. Said council are hereby authorized, in lie of levying said tax above provided for, to transfer not exceed ing five thousand dollars ($5,000.00) from the general rev nue fund to the gas fund.

Repeals, etc.

SECTION 5. That an act entitled "An act to authorize th council of the incorporated village of Sabina, Clinton count Ohio, to issue bonds for the purpose of sinking wells for natur gas," passed April 5, 1889 (O. L., v. 86, p. 599), be and the sam is hereby repealed, and this act shall take effect and be in for from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representative*
WM. VANCE MARQUIS,
*President of the Senat*

Passed March 20, 1891.
109G

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[Senate Bill No. 125.]

## AN ACT

To prevent the contaminating association of prisoners in county jai

Prisoners in county jails must be separated.

SECTION 1. *Be it enacted by the General Assembly of the Sta of Ohio*, That whenever the construction of a county jail wi permit, the strict separation of prisoners shall be maintaine at all times, and no prisoners therein awaiting trial shall placed, or allowed to remain in the same cell or room wi any other prisoner.

Common pleas court to prescribe rules.

SECTION 2. It shall be the duty of judges of the court common pleas having jurisdiction therein, in prescribi rules for the government of jails, to provide for the enforc ment of the provisions of this act.

Law to be enforced by county officers.

SECTION 3. It shall be the duty of county officers ha ing charge of the construction of any new jail to provide f the separate confinement of prisoners as required by the pr visions of this act.

SECTION 4. This act shall take effect and be in for from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representativ*
WM. VANCE MARQUIS,
*President of the Sena*

Passed March 20, 1891.
110G

[Senate Bill No. 141.]

AN ACT

To amend section 5756 of the Revised Statutes of Ohio, relating to partition.

Partition:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section 5756 be amended so as to read as follows:

Who may file petition, and what to set forth.

Sec. 5756. A person entitled to partition of an estate may file his petition therefor in the court of common pleas, setting forth the nature of his title, and a pertinent description of the lands, tenements, or hereditaments of which partition is demanded, and naming each tenant in common, coparcener, or other person interested therein, as defendants; provided, however, that where the title to such estate came to such person by descent or devise upon the death of an inhabitant of this state, a partition thereof shall not be ordered by the court within one year from the date of the death of such inhabitant, unless the petition shall set forth and it be proved that all of the debts and claims against the estate of such decedent have been paid, or secured to be paid, or that the personal property of said deceased is sufficient to pay the same.

Repeals.

SECTION 2. That said original section 5756 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
111G

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[Senate Bill No. 366.]

AN ACT

To amend section 6306 of the Revised Statutes of Ohio.

Guardians and trustees:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6306 of the Revised Statutes be amended so as to read as follows:

Sale of real estate by guardian of idiot, imbecile or lunatic.

Sec. 6306. Whenever the sale of the real estate, or coal from under, or fire-clay upon or under, the real estate of such ward is necessary for his support, or the support of his family, or the payment of his debts, or such sale will be for the interest of such ward or his children, the guardian may sell the same under like proceedings as are or may be required by law to authorize the sale of real estate by the guardian of a minor, or if it be more for the interest of such idiot, imbecile or lunatic, or his children, the probate court, upon the petition of the guardian, may authorize him to sell said real estate, or coal, iron-ore, limestone, fire-clay or other minerals upon, or under the real estate or the right to

mine the same, at private sale, either in whole or in parcels and upon such terms of payment as shall be prescribed by the court; said petition shall contain a pertinent description of the real estate, coal or fire-clay proposed to be sold, a statement of its value as nearly as can be ascertained, and the facts upon which the application is founded; and if, upon hearing, the court shall be satisfied that it will be more for the interest of the ward that said real estate, coal or fire-clay should be sold at private than at public sale, the court may make an order authorizing said sale, and prescribing the terms thereof, first taking from said guardian a sufficient bond for the faithful performance of his duty in the premises, and for accounting for the proceeds of all sales made under said order; provided, however, that the guardian shall not be authorized to sell the real estate, coal or fire-clay at private sale for less than its full appraised value; and if the ward have a wife she shall be made a defendant to the petition and if she file her answer consenting to the sale free and discharged of all right and expectancy of dower therein, such answer shall, on the sale being confirmed, be a full release of her expectancy of dower, and unless in such answer she waive any allowance in lieu of dower, the court shall allow her, out of the proceeds of the sale, such sum in money as is the just and reasonable value of her expectancy of dower.

Repeals, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and said section 6306 is hereby repealed.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
112G

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[Senate Bill No. 371.]

AN ACT

To amend section 4282 of the Revised Statutes.

Inspection:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4282 of the Revised Statutes be amended so as to read as follows:

What miller shall brand upon barrel or sack.

Sec. 4282. Each miller or mill owner shall brand, or cause to be branded, on the head of each barrel or side of each sack the weight and quality of the flour or meal contained therein, and the initial letter of his christian name and his surname in full; or if the mill is owned or operated by more than one person, then the name of such persons or company; and if any miller, mill owner or company shall neglect so to brand the same, or shall pack or expose for sale flour or meal in any barrel or sack of a less quantity or poorer quality than branded thereon, he or they shall forfeit and pay for each offense the sum of ten dollars for the use of the county, and shall be further liable to any party injured in double the amount of damages sustained.

SECTION 2. Said section 4282 is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
113G

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[Senate Bill No. 422.]

AN ACT

To amend section 2430 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two thousand four hundred and thirty of the Revised Statutes of the state of Ohio be amended so as to read as follows: Water-works:

Sec. 2430. For the purpose of paying the interest on any loan which any city or village may have heretofore made, or may hereafter make, for the erection or extension of water-works, and after they shall have been put in operation, and for the building of machinery, a tax of sufficient amount may be assessed and collected, in addition to the amount now authorized by law, by the common council, in each year, upon all the taxable property, both real and personal, in said city or village. Tax for payment of interest on loans.

SECTION 2. That the original section two thousand four hundred and thirty be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
114G

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[Senate Bill No. 498.]

AN ACT

To amend section 3036 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3036 of the Revised Statutes of Ohio be amended so as to read as follows: Organization:

Sec. 3036. Each regiment shall consist of eight or twelve companies and shall have a colonel, a lieutenant-colonel, a major for every four companies, a surgeon with the rank of major, an assistant surgeon, with the rank of captain, an inspector of rifle practice with the rank of captain, an adjutant and a quartermaster each with the rank of first lieutenant, and a chaplain and a non-commissioned staff to consist of a sergeant-major, a quartermaster-sergeant, a com- Infantry organization.

missary-sergeant, a hospital steward and two principal musicians. Every battalion of three companies shall have a major, and a battalion of five or more companies, a lieutenant-colonel and major together with an assistant surgeon, a quartermaster, chaplain, sergeant-major, quartermaster-sergeant, commissary-sergeant and a hospital steward. The commander of a regiment or battalion of not less than four companies may enlist a band, to consist of a drum-major and a leader each with the rank of sergeant-major, and not more than twenty-four musicians. Each company of infantry shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, a wagoner, and not less than forty-four nor more than eighty-three privates.

Repeals, etc.

SECTION 2. That section 3036 be and the same is hereby repealed, and this act shall take effect and be in force from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
115G

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[Senate Bill No. 563.]

## AN ACT

**To authorize cities of the second grade of the second class to levy a tax and issue bonds for the purpose of extending and constructing the drain through the south-eastern part of said city.**

Certain cities (Dayton) may issue bonds for sewerage purposes, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city commissioners of cities of the second grade of the second class be and are hereby authorized and empowered for the purposes hereinafter named, to issue bonds to the amount of 35,000 dollars. Said bonds shall be issued to enable the city commissioners of said city to extend the Park street sewer and to improve the water-way immediately east and north-east of said sewer. Said bonds shall be of such denominations as the city commissioners may deem best, and for a length of time not exceeding twenty years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than their par value, and the proceeds thereof, together with such premiums as may be derived thereby, shall be applied to no other purpose than the purpose herein mentioned, and they shall be signed by the president of the board of city commissioners and the city auditor of said city, and be sealed with the seal of the corporation.

Levy of tax.

SECTION 2. The council of said city is hereby authorized to levy an annual tax, not in excess of five-tenths of one mill, on the general duplicate of said city, in addition to the other taxes heretofore levied, or hereafter to be levied, for the redemption of said bonds, and the payment of the interest thereon, until the said bonds and the interest thereon are

paid, and said bonds redeemed as the same may become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
116G

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[Senate Bill No. 571.]

AN ACT

To authorize certain incorporated villages herein designated to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in the said incorporated villages, and for other public improvements.

Certain villages (Ashland) may issue bonds for improvement purposes, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village of not less than thirty-five hundred and seventy, nor more than thirty-five hundred and eighty in any county, which at the last federal census had a population of not less than twenty-two thousand one hundred and eighty-three, nor greater than twenty-two thousand one hundred and ninety-five, or which at any future federal census may have such population, be and the same is hereby authorized and empowered to issue the bonds of such incorporated village in any sum not exceeding one hundred thousand dollars, in denomination not exceeding one thousand dollars each, bearing interest not exceeding six per cent. per annum, payable semi-annually, and payable at any time not exceeding twenty-five years from the date of their issue, as the council of said incorporated village determine. Said bonds shall be sold at not less than their par value, and in all respects not herein provided for in accordance with the provisions of section 2709 of the Revised Statutes of Ohio.

How funds to be expended.

SECTION 2. The proceeds arising from the sale of said bonds or any portion of them shall be expended for the purpose of aiding and encouraging manufacturing establishments to locate in any such incorporated village, and any portion of the proceeds may be used to aid in other public improvements in said incorporated village.

Question to be voted on.

SECTION 3. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such incorporated village at a regular or special election, to be held at the usual places of voting in said incorporated village, and at such times as the council may determine. The tickets to be voted at such election shall have written or printed thereon "Authority to issue bonds—Yes;" "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds or more of those voting thereon at such election, then said council, with the consent and approval of a board of control,

hereafter provided for, may issue and sell said bonds for t
purposes named, and as provided in this act; notice of su
election shall be published in at least two newspapers pu
lished or circulating in said incorporated village for not l
than ten days prior to such election, which shall in all
spects not herein provided for, be managed and conduct
as other municipal elections are, or may be required by l
to be managed and conducted in any such incorporat
village.

Appointment of board of control, etc.

SECTION 4. If at such election the required numb
of electors vote in favor of issuing said bonds, the council
such incorporated village shall present a written stateme
of its intention to issue said bonds to the auditor and p
bate judge of the county in which said incorporated villa
is situated, who shall appoint a "board of control" for s
incorporated village, which shall consist of six electors
said village, not more than three of whom shall belong to t
same political party. Said "board of control" shall ser
without compensation, and for such time as may be necessa
to dispose of the proceeds of the sale of said bonds.
vacancies in said board shall be filled by appointment by s
auditor and probate judge. The said council shall not iss
nor sell said bonds or any portion of them until the said "boa
of control" shall consent to the same, and no expenditure
money arising from the sale of said bonds or any portion
them shall be made or any contract be entered into for t
purposes mentioned in this act by said council, except w
the consent and approval of said board of control.

Levy of tax.

SECTION 5. To pay the principal and interest of any
said bonds as the same shall become due, said council
hereby authorized and empowered to levy a sufficient tax
all the taxable property of said incorporated village, in ad
tion to all other taxes authorized by law. Said taxes sh
be levied and collected as other taxes in said incorporat
village.

Bonds to be void after five years.

SECTION 6. That if the bonds herein provided for sh
not be issued or disposed of within five years from the fi
day of April, 1891, then this act shall be null and void; a
if at the expiration of that time there remains a portion
said bonds which have not been issued or disposed of, th
that portion of said bonds shall be void and of no effect.

SECTION 7. This act shall take effect and be in fo
from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representati*
WM. VANCE MARQUIS
*President of the Sen*

Passed March 20, 1891.
117G

[Senate Bill No. 507.]

## AN ACT

To amend section 5339e, of the Revised Statutes.

Entering judgment, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5339e, be amended to read as follows:

Costs of restoring lost records.

Sec. 5339e. The costs to be taxed upon an application to restore a loss [lost] or destroyed record, shall be the same as provided for like services in civil actions. Where the record is lost or destroyed by fire, riot, or civil commotion, or other cause, the cost of replacing and restoring the same, as provided in sections fifty-three hundred and thirty-nine (*a*) and fifty-three hundred and thirty-nine (*b*) shall be paid out of the county treasury by order of the court. And in any case where the original papers and records have been saved from such destruction, riot, civil commotion, or other cause and the appearance dockets have been destroyed, and in cases where such records saved should be re-copied, the court may order that the clerk of the courts restore such original papers upon the appearance docket, the re-copying of the records, the replacing of the appearance docket, indexes thereto and such matters as the court may deem necessary, and the costs thereof shall be the same as are provided for like services in civil actions, and shall be paid out of the county treasury, by order of the court, to be paid into the fee fund as other fees.

Order for such restoration.

Purchase of attested copies.

Whenever in counties containing cities of the first grade of the first class the county commissioners and clerk of the courts, or a majority of them, shall be satisfied that any company, person or persons shall have true copies of any records, plats or valuable abstracts of the same, which they may deem necessary to restore, such commissioners and clerk, or a majority of them, shall, and they are hereby authorized to purchase any such records, valuable abstracts or copies thereof, as they may deem necessary or useful. Such purchase to be made at a valuation to be agreed upon with such company, person or persons having such records or abstracts, and said commissioners and clerk, or a majority of them, and in case of inability to agree, then at a valuation to be fixed by three arbitrators, or a majority of them, one to be chosen by said commissioners and clerk, or a majority of them, a second to be chosen by the company, person or persons having such records or abstracts, and the third to be chosen by the two so selected. Such books, records or abstracts so purchased shall be deposited in the office of the clerk, or copies thereof shall be transcribed by the clerk, to the record books provided for that purpose in his office. Such record books shall be carefully compared with the original books of such company, person or persons having the same in such manner as the clerk may direct, and on the last page of such books the person or persons making such comparison shall make and subscribe an affidavit to the fact of such comparison having been made, and that such book contains true copies of the original records or valuable abstracts thereof. The said book shall be kept by the county clerk as other

Their value as evidence.

records in his office, and thereafter they, and properly certified transcripts therefrom, shall be prima facie evidence in all courts of the state of the truth of the matter therein set forth. The commissioners of any county so purchasing said records, abstracts or copies thereof as hereinbefore provided, are hereby authorized and directed for the purpose of defraying the expenses of said purchase, to issue the bonds of said county, to an amount not to exceed the amount of said purchase so made as aforesaid; said bonds to be in sums not less than one hundred dollars, nor more than one thousand dollars each, and bearing interest not to exceed five per cent., payable annually, and to be sold for not less than their par value.

Payment therefor.

Records of probate court.

SECTION 2. If any such company, person or persons, have valuable abstracts or records of matters required by law to be kept in the probate court as records of the business of said court, said county commissioners and clerk may include such records or abstracts in said purchase, and such records or abstracts shall be copied under the direction of the probate judge into books to be provided by the said commissioners for that purpose, and compared as is provided in section one of this act; and thereafter they or certified copies thereof shall be admitted as prima facie evidence of the matters therein contained in all the courts of this state.

Records of recorder's office.

SECTION 3. If any such company, person or persons have valuable abstracts or records, plats or true copies of records of matters required by law to be kept in the office of the county recorder, said county commissioners and clerk may include such records, plats, or abstracts in said purchase, and such records, plats or abstracts shall be copied under the direction of the county recorder into books to be provided for that purpose by the said commissioners, and compared as is provided in section one of this act; and thereafter they or certified copies thereof shall be admitted as prima facie evidence of the matters therein contained in all the courts of this state.

Pay of arbitrators.

SECTION 4. Said county commissioners are hereby authorized to pay to said arbitrators provided for in section one of this act a reasonable compensation, not to exceed one hundred dollars each, for their services, and to add to the amount of bonds to be issued not to exceed the sum of ten thousand dollars to pay for such copying in said several offices as may be needed.

Repeals, etc.

SECTION 5. Said original section 5339*e* is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
118G

[House Bill No. 1070.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio.

School funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3951 of the Revised Statutes of Ohio, be amended so as to read as follows:

The state common school fund.

Sec. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax on the grand list of taxable property of the state, which shall be collected in the same manner as other state taxes, and the proceeds of which shall constitute "the state common school fund;" and for the purpose of higher, agricultural and industrial education including manual training, there shall be levied and collected in the same manner, a tax on the grand list of the taxable property of the state, which shall constitute "the Ohio state university fund." The rate of such levy in each case shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year, the same shall be for "the state common school fund," one mill; and for "the Ohio state university fund," one-twentieth of one mill, upon each dollar of valuation of such taxable property.

The Ohio state university fund.

Repeals, etc.

SECTION 2. Said section 3951 of the Revised Statutes of Ohio is hereby repealed; and this act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
119G

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[House Bill No. 1527.]

AN ACT

Supplemental to title XII of the Revised Statutes of Ohio, to provide a government for cities of the second class, third grade *a*, and to amend sections 1546, 1548, 1755, 1781, 1785, 1808, 2328, 2682, 2689*a*, 2690*a*, 2805, 2815 and 2926*t*, of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1546, 1548, 1755, 1781, 1785, 1808, 2328, 2682, 2689*a*, 2690*a*, 2805, 2815, and 2629*t* [2926*t*], be and the same are hereby specifically amended as follows:

Classification: general.

Sec. 1546. Municipal corporations are divided into cities, villages, and hamlets; cities are divided into two classes, first and second; cities of the first class are divided into three grades, first, second, and third; cities of the second class are divided into five grades, first, second, third, third *a*, and fourth; cities of the second class, which hereafter become cities of the first class, shall constitute the fourth grade of the latter class;

and villages which hereafter become cities shall belong to the fourth grade of the second class.

Cities of the second class:

Sec. 1548. Existing corporations, organized as cities of the second class, shall remain such until they become cities of the first class, and their grades, and the grades of those which may be, or may become, cities of the second class, shall be determined as follows: Those which, on the first day of July last, had, and those which, on the first day of July, in any year, have, when ascertained in the way mentioned in the last section, more than thirty thousand five hundred, and less than thirty-one thousand five hundred inhabitants, shall constitute the first grade; those which, on the first day of July last, had, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twenty thousand, and less than thirty thousand five hundred inhabitants, shall constitute the second grade; those which on the first day of July last, had, and those which on the first day of July, in any year, have, when ascertained in the same way, more than ten thousand, and less than twenty thousand inhabitants, shall constitute the third grade; those which on the first day of July, 1890, had more than twenty-eight thousand and less than thirty-three thousand inhabitants, shall, on and after the passage of this act, constitute and be, and those which on the first day of July, in any year, have, when ascertained in the same way, more than twenty-eight thousand, and less than thirty-three thousand inhabitants, shall constitute and be the third grade *a*; and those which, on the first day of July last, had, and those which hereafter, on the first day of July, in any year, have less than ten thousand, and more than five thousand inhabitants, shall constitute the fourth grade.

First grade.

Second grade.

Third grade.

Third grade *a*.

Fourth grade.

Officers of cities second class, third grade *a* (Springfield).

Sec. 1707*a*. The officers of a city of the second class, third grade *a*, shall consist of a mayor, city solicitor, a police judge, prosecuting attorney of the police court, and a clerk of the police court, all of which officers shall be chosen by its electors, and a clerk who shall be chosen by the council; provided that a mayor elected in any city of the second class, third grade *a*, shall be ineligible to re-election to the office for a consecutive term.

Assessors to be appointed by tax commissioners.

Sec. 1718*c*. In cities of the second class, third grade *a*, there shall be appointed by the board of tax commissioners, in April of each year, an assessor for each ward, who shall be an elector thereof, and shall take the same oath and give the same bond, receive the same compensation and perform the same duties as are provided in respect to township assessors.

Duties of clerk, etc.

Sec. 1755. The clerk shall attend all the meetings of the council and make a fair and accurate record of all its proceedings and of all rules, by-laws, resolutions, and ordinances passed by council, and the same shall be subject to the inspection of all persons interested; and in case of his absence from any meeting, the council shall appoint one of its own number to perform his duties for the time; and in cities of the second class, third grade *a*, he shall also act as clerk of the board of public affairs, attend all of its meetings, and make

an accurate record of all its proceedings, and perform such other duties as may be required by said board.

Salary of city solicitor.

Sec. 1781. He shall receive such stated salary, payable quarterly out of the corporation treasury, and such fees or compensation for particular services, as the council may prescribe; and no additional counsel shall be appointed or employed at the expense of the corporation, except by a resolution of the council adopted for that purpose, specifying the case in which such additional attorney is employed, and the reasons therefor, and may fix the compensation to be paid; but in cities of the second class, third grade *a*, he shall receive a salary of eighteen hundred dollars, and no additional fees or compensation, payable monthly out of the corporation treasury, and he shall be the attorney of all boards in the corporation.

Police court.

Sec. 1785. In cities of the first class, and in cities of the third grade, and third grade *a*, of the second class, there shall be a court, held by the police judge, which court shall be styled the police court, and be a court of record.

Bond and compensation of clerk of police court.

Sec. 1808. He shall give such bonds, with sureties, as may be required by the council and county commissioners and shall receive for his services, in cities of the first class, in city cases, a fixed salary to be prescribed by ordinance, of the council, of not less than twelve hundred dollars nor more than two thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding one thousand dollars per year, and in cities of the third grade, and third grade *a*, of the second class, in city cases, a fixed salary to be prescribed by ordinance of the council, of not less than six hundred dollars nor more than one thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding two hundred dollars per year.

Board of police and fire commissioners.

SECTION 2. In cities of the second class, third grade *a*, all powers and duties connected with and incident to the appointment, regulation, government and control of the police force, and the regulation, government and control of the city prison, patrol and station-houses, shall be vested in a board of police and fire commissioners, consisting of four electors of said city, appointed by the mayor, not more than two of whom shall at any time be members of the same political party. The members of the board shall serve until the last Monday of the month of April in which a mayor is elected for a full term, and until their successors are appointed and qualified, and they shall receive no salary, unless council in its discretion, fixes the same by ordinance.

Organization of board.

SECTION 3. The members of the board of police and fire commissioners shall meet within ten days after their appointment, at the office of the board of police and fire commissioners of such cities, and organize by electing one of their number president, by ballot, and they shall also at that time, in the same manner, elect a secretary. If they fail to do so

within two hours after meeting, the president and secretary shall be chosen by lot.

Police force.

SECTION 4. The board of police and fire commissioners shall, within thirty days after its organization, appoint a police force and officers thereof, pursuant to the provisions of this act; the present police force and the officers thereof, in such cities, shall continue as such until the appointment and qualification of such new force and officers. The police force of said city shall comprise a chief of police, an assistant chief of police and not exceeding one patrolman for each fifteen hundred inhabitants; and a reserve police force not exceeding one patrolman for each fifteen hundred inhabitants, who shall be subject to the same regulations as the regular force, and shall when upon duty, have the same powers and privileges, and perform the same duties, and receive the same compensation, pro rata, while on duty, as the regular force, and shall receive no compensation for the time they are not assigned for duty. Such reserve force, or any member thereof, shall be assigned to duty by the board of police and fire commissioners only in case of emergency or special necessity, which emergency or special necessity shall be stated upon the minutes of the board.

Qualifications of members of police force, etc.

SECTION 5. The qualifications, enumeration and distribution of duties of each member and officer of the police force shall be particularly defined and prescribed by rules and regulations of the board of police and fire commissioners. Each member and officer of the police force, the secretary of the board, and each appointee of the board in any capacity, shall be an elector of the city in which he was appointed, and able to read and write the English language understandingly. No person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity, and has been and is an orderly law-abiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been convicted of any misdemeanor within three years previous to his appointment, or has been engaged in any unlawful calling or has pursued any calling in a manner forbidden by law. All appointees on the police force hereunder, shall serve during the pleasure of the board.

Charges against members of police force; conduct of trial.

SECTION 6. Any person may prefer charges, which shall be signed by the person making same, against an officer or member of the police force, which charges shall be filed in the office of the secretary of the board, and be by him communicated without delay to the board of police and fire commissioners, whose duty it shall be to investigate and decide upon said charges. It shall be the duty of the mayor, whenever probable cause appears, to prefer charges against any member or officer of the force, whom he believes to have been guilty of any conduct justifying his removal or punishment in the interest of the public order. In any case where charges have been made against an officer or member of the force, the board may suspend from duty, or from both pay and duty, the officer or member against whom such charges have been made; and such suspended member or officer shall

not be placed upon duty or allowed pay after suspension therefrom, pending the action of the board upon such charges. Within three days after the filing of such charges, the board shall proceed to hear and examine the same. All charges shall be taken as denied, and the hearing shall be summary and without pleading, and the action of the board thereon shall be final. A record of charges and findings shall be made by the board, and kept in their office. The board shall have power to, and shall issue subpœnas attested in the name of the acting president of the board, to compel the attendance of witnesses, and by its president or secretary to administer oaths and affirmations, and generally shall, for the purpose of such hearing, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable. If on such hearing the charges are sustained, the officer or member of the force shall pay the costs of such proceeding, and the same may be deducted and withheld from his pay. No officer or member of the police force who has been found guilty and discharged, shall ever be eligible for reappointment to the force in any capacity whatever, unless it shall be afterwards proved to the board that their decision was erroneous, and that, in fact, he was not guilty of the offense for which he was dismissed.

Pay of police force.

SECTION 7. The salaries of the secretary and the pay of the officers and appointees shall be fixed by the police and fire commissioners, within such limits as may be prescribed by ordinance of council, and shall be paid monthly to the person entitled thereto.

Policemen shall not accept gifts, etc.

SECTION 8. No officer or member of the police force shall, for his own benefit, under any pretense whatever, receive or share in any present, fee, gift or emolument for public services, other than the regular salary and pay, except by the consent of the board and chief of police, publicly given; nor shall any officer or member share in or receive any fee, gift or reward, from any person who may become bail for any arrested, accused or convicted person, or who may become surety for any such person on error to the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense; nor shall any such officer or member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused; and for any violation of either of the foregoing provisions, the person or persons so offending shall be immediately removed from the police force.

Meetings of board.

SECTION 9. Meetings of the board of police and fire commissioners, for the transaction of business, shall be held at their office upon some particular days to be designated by them, and at such other times as two of said commissioners shall call a meeting of said board, by a written notice filed with the secretary of the board, whose duty it shall be forthwith to notify the other members of said board of the time of such meeting. A majority of the board shall be a quorum for the transaction of business; and it shall require the affirm-

ative vote of a majority of the board to pass any measure or authorize any act by the board.

Powers of board.

SECTION 10. The board of police and fire commissioners shall possess full power and authority over the police organization, government, appointments and discipline within such city, and shall have possession and control of all property, books, records and equipments belonging to the police department or under the control of the police authorities. And the board may procure all such equipments for the rapid transportation of the police from one point to another in such places within the city limits as for the purpose of police the board may deem necessary, and shall have power to erect and maintain all such lines of telegraph or other means of communication as for said purposes the board deems necessary, whenever the council authorizes the procuring of said equipments for transportation, or establishment of such telegraph line or lines, or other means of communication, and provides for the cost thereof. In case of riot or insurrection, or any like emergency within said city, which in the judgment of the mayor requires the intervention of the police force, he shall have power to call out the whole force, and control the same and the officers thereof, during the emergency; and in case of any emergency in such city, which, in the judgment of the board requires a temporary increase of the members of the police force, the board shall have the power to appoint as many other patrolmen or officers as it may deem necessary, to serve as long as such emergency exists, not exceeding five days. The compensation of such patrolmen or officers shall not exceed that provided for patrolmen or officers of the regular force, and payment thereof shall be provided for by the board of police and fire commissioners.

Mayor to have charge of police in case of riot.

Duties of mayor, police and fire commissioners, etc.

SECTION 11. It shall be the duty of the mayor, the board of police and fire commissioners and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city, to preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order, remove nuisances existing in public streets, roads, places, and highways, report all leaks or other defects in water-pipes and sewers to the proper authorities, to provide a proper force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at railway stations, and generally to obey and enforce all ordinances of the city council and criminal laws of the state and of the United States.

Oath and bond of police officers.

SECTION 12. Each officer and member of the police force, and employe of the board, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby empowered to administer the same, well and faithfully to discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be filed and preserved in the office of the police and fire commissioners. The chief of police shall give bond for the faithful discharge of his duties, in the sum of three thousand dollars, to be

approved by the board, which bond shall be filed with the secretary of the board, and thereafter, under the direction and control of the board, such chief of police shall have command and control of the police force of such city. The assistant chief of police shall give a bond in the sum of one thousand dollars; and each regular patrolman and employe shall give a bond in the sum of five hundred dollars. Each of said bonds shall require the approval of the board of police and fire commissioners, shall be conditioned according to law and shall be filed in the office of said board, duly approved, before the person giving the same shall enter upon the discharge of his duties.

Duties of chief of police.

SECTION 13. The chief of police shall execute all processes to whomsoever directed by the judge of the police court, and shall, by himself or an officer of the police force, to be by him designated, attend on the sittings of the police court, execute the orders and processes thereof, and preserve order therein; he shall have the same powers, perform the same duties, and be subject to the same responsibilities, as are imposed on the marshal by chapter 3, division 5, title 12, of the Revised Statutes of Ohio.

Duties of police force.

SECTION 14. The police and officers thereof under the direction of the board of police and fire commissioners, or other proper officer, shall suppress all riots, disturbances, and breaches of the peace; pursue and arrest any person fleeing from justice, in any part of the state; apprehend any and all persons in the act of committing an offense against the laws of the state or the ordinances of the corporation, and forthwith bring such person before the police court, or other competent authority, for examination; and shall at all times diligently and faithfully enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare, as the council may ordain, and for such purpose they shall have all the power of constables.

Arrest of law-breakers.

SECTION 15. The members of the police force may, upon view, arrest any person who may be guilty of a breach of the ordinances of the corporation, or of a crime against the laws of the state, and may, upon reasonable information, supported by affidavit, procure process for the arrest of any person who may be charged with a breach of any of the ordinances of the corporation.

Rules and regulations; publication of manual.

SECTION 16. The commissioners shall cause to be prepared a convenient manual, containing a compend of all rules and regulations which the police force is required to obey, and such instructions as shall aid them in the intelligent discharge of their duty. It shall be the duty of every member and officer of the force to make himself acquainted with the directions contained in the manual, and in every way to become familiar with all duties of his position. The chief of police shall be especially charged with the duty of instructing officers and members of the force in their duties, and from time to time examining them as to their knowledge of the requirements of their position. It shall furthermore, be the duty of the board of police and fire commissioners, at least twice in each year to require the examination and inspection

of the entire force, and for this purpose the board shall appoint one of the police and fire commissioners an examiner to assist the chief of police in such general examination.

Police life and health insurance fund.

SECTION 17. Fifteen per cent. of all rewards, fees, proceeds of gifts, and emoluments may be allowed by the board of police and fire commissioners to be paid, or given, on account of extraordinary services of a member of the police force, all unclaimed money, the proceeds arising from the sale of unclaimed property, and one-third of the moneys received by the board from all sources whatever, the disposition of which is not otherwise provided for in this act, all witness fees allowed members or officers of the police force in the criminal court or before the grand jury of the county, and all fines imposed by the board of police and fire commissioners upon officers or members of the force, shall be paid into the city treasury, and shall constitute the police life and health insurance fund; and the persons who from time to time constitute the board of police and fire commissioners of such city, together with two members of the police force to be elected by the members of said force on the first Tuesday of January of each year, except the first election, which shall take place ninety days after the first regular meeting of the board of police and fire commissioners, shall constitute and are hereby declared to be trustees of said fund; and the acting president of the board of police and fire commissioners shall be the president of the board of trustees hereby created, and the secretary of said board of police and fire commissioners shall be the secretary of said board of trustees, and it is hereby made his duty to keep a record of the proceedings of said board of trustees, and of all action taken by it with regard to the fund, and with regard to the members of said police force; and said board of trustees shall have power, for the purpose of investment, to draw such fund from the treasury, on the warrant of the president of said board of trustees, countersigned by the secretary, and to invest the same in interest-bearing bonds of the United States, the state of Ohio, or of the city wherein said board is situate, and shall make reports to the city council of the condition of the fund on the first day of March of each year.

Benefits under said fund: to whom paid.

SECTION 18. When an officer or member of the police force, in the performance and in consequence of the performance of official duty, becomes bodily disabled, his necessary expenses during such disability may be paid from the said "police life and health insurance fund," at the discretion of said board of trustees of said fund; and said board shall inquire into the circumstances, and, if satisfied the charge upon the fund is correct, may order the same to be paid, which shall be done by the draft of the trustees upon the fund, and such draft, when signed by a majority of the trustees, shall be countersigned by the secretary, and paid out of said fund by the city treasurer. The board of trustees shall by warrant drawn as last above provided, within thirty days after the death of any officer or member of the police force who has been killed while in the execution of his official duty, or who has died in consequence of injuries received while in the

execution of his official duty, pay the sum of five hundred dollars to his widow or minor children, or if there be no widow or minor children then to such person or persons as were dependent upon the deceased for support; but if there be no such dependent person then no money shall be paid from the fund on account of such deceased member, except a sum not to exceed one hundred and fifty dollars to be used to defray the funeral expenses.

Private patrolmen.

SECTION 19. The board of police and fire commissioners may, on the application of any person who shows the necessity thereof, appoint any number of private patrolmen to do duty at any place within the city at the charge and expense of the person by whom the application is made; and the patrolman so appointed after being sworn shall be subject to the orders of the board of police and fire commissioners, and shall obey the rules and regulations of said board, and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and during their term of holding appointment they shall possess all the powers and privileges and perform all the duties of the patrol force herein prescribed; provided, that the party so applying for such appointment shall first pay into the "police life and health insurance fund," the sum of five dollars for such private patrolman appointed; and provided, further, that the persons so appointed may be removed at any time by the board of police and fire commissioners without assigning cause therefor.

City to pay expense of police department.

SECTION 20. The necessary costs and expenses of providing for, and the maintenance of the police department hereby created, shall be a city charge.

The police fund.

SECTION 21. The board of police and fire commissioners shall prepare and submit to the board of public affairs, on or before the first day of March in each year, an estimate of the cost and expenses of providing for and maintaining the police department of such city for the ensuing fiscal year, which estimate shall be in detail; and the taxes levied by council for maintaining the police department, when collected, shall be paid into the city treasury, and styled "the police fund," and shall be drawn therefrom for police purposes only, under the regulations of this act. All costs and expense of every nature of providing for and maintaining the police department of such city shall be paid out of said "police fund," as hereinafter provided.

Payment of money from police fund.

SECTION 22. All moneys to be paid to any person out of the "police fund" shall be paid only on the order of the board of police and fire commissioners, certified to the city clerk by the secretary of said board, provided that the secretary of the board, under such rules and regulations as may be adopted by the board, may certify an order, approved by the board, to the city clerk in his own favor, for the aggregate amount due the officers and employes of the board, and dispense the money received, upon warrants issued by the clerk, to pay the claims of the officers and employes on the pay-rolls, taking receipts therefor.

Immunities of members of police force.

SECTION 23. No person holding office under appointment by the board of police and fire commissioners shall be liable to military or jury duty, or to arrest on civil process while actually on duty.

Uniforms of policemen.

SECTION 24. Every officer and member of the police force while on duty, shall wear a uniform, to be prescribed by the board of police and fire commissioners.

No member of commission or police force to hold, or be a candidate for, another office, etc.

SECTION 25. Any commissioner who, during the term of his office, accepts any other place of public trust or emolument, or who, during the same period being nominated for an office elective by the people, fails publicly to decline the same, within five days succeeding his nomination, shall be deemed thereby to have vacated his office as commissioner, and the mayor shall appoint a successor. And no officer or member of the police force shall be a candidate for or hold any elective office, or shall be a delegate to any political convention, or take part in any primary election or caucus except to cast his vote. Any interference by any officer or member of the police force in elections or conventions for or against any political party or candidate, or the candidacy of any officer or member of the force for an elective office, shall require his dismissal from the force by the commissioners.

Superintendent and assistant superintendent of city prison.

SECTION 26. The board of police and fire commissioners shall appoint a superintendent of the city prison, an assistant superintendent of the city prison, and shall employ such persons as may be necessary to the proper care of the prison. The superintendent and assistant superintendent shall have the same qualifications and powers as policemen in such cities, shall serve during the pleasure of the board, shall have charge and control of the city prison and the prisoners therein, under such rules and regulations as the board may prescribe, and shall each receive such salary as may be allowed by the board, not exceeding an amount to be fixed by ordinance of council.

Care of prisoners.

SECTION 27. The board of police and fire commissioners shall cause the city prison to be kept clean and made comfortable for the inmates thereof and shall provide food, sustenance, medical attention, and necessary supplies for the proper care of all persons confined therein; and shall cause to be kept, in books provided for that purpose, a detailed account of all the expenses so incurred, and a record in which shall be entered the full name and the nationality of every person confined therein, the time of his or her arrest, the offense charged, the name and residence of complainant, memorandum of articles taken from person when searched, the name of the officer or policeman making the arrest, which entries shall be made and attested by the officer in charge of the prison at the time such person is received thereat, and said record shall be open to the inspection of the mayor, officers of the police force, members of the board and such persons as may obtain a written permit from the president thereof.

Control of fire department vested in police and fire commissioners.

SECTION 28. In cities of the second class, third grade *a*, the management and control of the fire department shall be vested in a board of police and fire commissioners, which board shall have power to purchase all necessary supplies,

horses, engines and apparatus for the department, and to make necessary repairs to the houses, engines or apparatus belonging to the department; but said board shall have no power to incur any liability on behalf of such city beyond the amount levied and set apart to their order by the city council, and all claims on account of the department shall be approved by the board, and when so approved, the same shall be certified by the president and secretary, to the city clerk.

Contracts.

SECTION 29. At least ten days' notice shall be given in some newspaper of general circulation in the city, of the reception of proposals for the performance of any contract exceeding five hundred dollars in amount; such contracts shall be awarded to the lowest and best bidder who furnishes satisfactory security for the performance of the same, provided, however, that the board may reject all bids, and all contracts exceeding five hundred dollars shall be subject to the approval of council.

Board to appoint officers and members of fire force.

SECTION 30. The board shall appoint an executive officer to be known as the chief of the fire department, who shall have active management of the department in service, and a superintendent of fire-alarm telegraph, and also, such members and employes as it may deem necessary, who shall serve during the pleasure of the board.

Board to fix salaries of members of fire force, etc.

SECTION 31. The board shall fix the salaries of all officers, members and employes of the fire department within such limits as may be prescribed by ordinance of council; the board shall prescribe the duties of the officers, members and employes of the department, and from time to time, make such rules for the government of the force as may be found necessary.

Fire-alarm telegraph to be controlled by board.

SECTION 32. The fire-alarm telegraph attached to the fire department, shall be under the control and subject to the regulations of the board.

Fire wardens: chief and his assistants to act as such, etc.

SECTION 33. The chief and assistants shall act as fire wardens, under the direction of the board, and shall have power to enter and examine any building in which fire is used, and may condemn the same if it be considered dangerous to the public safety; and whenever complaint is made of the dangerous condition of any building or part thereof, it shall be their duty to immediately examine into the same, and cause the proper measures to be taken to put it in a safe condition.

Board of public affairs.

SECTION 34. In cities of the second class, third grade *a*, there shall be a board of public affairs composed of four members, electors of such cities, to serve for the term of two years or until their successor shall be appointed and qualified; two members of the board, not more than one of whom shall, at any time, belong to the same political party, shall devote their entire time and attention to the duties of the office, and shall each receive, as compensation a salary of two thousand dollars ($2,000) per annum, payable in monthly installments; two members of the board, not more than one of whom shall, at any time, belong to the same political party, shall each receive, as compensation, a salary of five hundred dollars ($500) per annum, payable in monthly installments, and no expense or other compensation shall be allowed any of the members

of said board; vacancies shall be filled by the mayor for the unexpired term; the biennial appointments by said mayor, for the purpose of filling expirations as they occur, shall be made prior to the last Monday in April, and any one related to the mayor shall be ineligible to membership in said board.

Oath and bond of members of board.

SECTION 35. Each member of such board of public affairs before entering upon the discharge of his duties shall take the oath prescribed for municipal officers, and shall give bond, to the approval of council and the city solicitor, conditioned for the faithful performance of his duties and the proper distribution of and accounting for all moneys coming into his hands in his official capacity, in the sum of twenty-five thousand dollars, with not less than three sureties, who shall each be required to take an oath that he is worth the amount of the bond above all liabilities, which bond shall be filed with and recorded by the clerk of said city.

Organization of board.

SECTION 36. The members of the board of public affairs shall meet within ten days after their appointment, at the office of the board, and organize by electing by ballot one of their number president, and a vice-president, and if they fail to do so within two hours after meeting such officers shall be chosen by lot.

Meetings of board, etc.

SECTION 37. The board shall hold regular meetings, at stated times, as often as its duties may require and at least once in every week; three members shall constitute a quorum for the transaction of business; upon the passage of every resolution or order of any kind the yeas and nays shall be called and entered upon the records of its proceedings, and no resolution, order, appointment or business transaction shall be valid unless three votes are cast and recorded in its favor.

City clerk to be clerk of board.

SECTION 38. The clerk of the city shall be clerk also of the board of public affairs and shall keep a complete record of all its proceedings; and a copy from its records, certified by the clerk, shall be competent evidence in all courts.

Members of board to have seats in council, etc.

SECTION 39. The members of the board shall have seats in council, and be entitled to take part in its proceedings and deliberations on all questions relating to matters under their charge, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote; and one of the board may be compelled to attend every meeting of council, in the same manner as the members.

Employes of board.

SECTION 40. The board may employ such superintendents, engineers, clerks, laborers, and other persons, as it may deem necessary for the execution of its duties, and fix their salaries and compensation; but the salaries of such superintendents, clerks, and engineers, as are appointed for a definite time, shall be fixed within limits prescribed by the council; and any of such persons may be removed by the board at any time; but the board shall not elect or employ or appoint or contract with any one who is related to the mayor or to any member of said board.

Powers and duties of board.

SECTION 41. The board shall have control of the construction, supervision, cleaning, repairing, grading and im-

proving of all streets, avenues, market-houses and spaces, bridges, sewers, drains, culverts, streams and water-courses, sidewalks, curbs and gutters, and the lighting of all such public places in the corporation as may be deemed necessary; it shall have authority to fix and establish the grading of all streets, avenues and alleys; it shall have supervision and control of the construction, use, repairing, cleaning, lighting, and heating of all public buildings, excepting library buildings, and of the construction of all public improvements of such city. It shall have the powers and perform the duties conferred and imposed upon the park commissioners by subdivision two of chapter six, division eight, title twelve of the Revised Statutes of Ohio; it shall have the powers and perform the duties conferred and imposed upon the trustees of cemeteries by chapter seven, division eight, title twelve of the Revised Statutes of Ohio; it shall have the power and perform the duties conferred upon council, as to public hall, by sections 2559, 2560, 2561, 2562, 2566 and 2567 of the Revised Statutes of Ohio; it shall have the powers and perform the duties conferred and imposed upon the platting commission by chapter twelve of the Revised Statutes of Ohio; it shall have the powers and perform the duties conferred and imposed upon the board of health by chapter one, division six, title twelve of the Revised Statutes of Ohio; it shall have the power and perform the duties conferred and imposed upon the board of hospital commissioners by chapter three, division six, title twelve of the Revised Statutes of Ohio; and it shall have the powers conferred upon municipal corporations by chapter two, division six, title twelve of the Revised Statutes of Ohio; and they shall have the powers and duties conferred and imposed upon the board of examiners of insecure and unsafe buildings by sections 2451, 2452, and 2453 of the Revised Statutes of Ohio. The board shall appoint a city civil engineer to serve during the pleasure of the board, with compensation to be fixed by the board within limits prescribed by ordinance of council; he shall give bond in a sum to be fixed by the board and shall perform such duties as shall be prescribed by the board and by ordinance of council.

Improvements to be ordered by council on recommendation of board.

SECTION 42. Where the cost of any improvement which the board deems it advisable to make, is to be derived from assessments, the board shall cause to be made plans and specifications of such improvement, together with an estimate of the cost of the same, and shall submit the same to council, with its recommendation, and a resolution declaring the necessity of providing for such improvement; upon the passage of the resolution by council the board shall have the resolution published, not less than two nor more than four consecutive weeks, in some newspaper published and of general circulation in the city, and shall cause to be given twenty days' written or printed notice of its passage to the owners of the property abutting upon the improvement, or to the persons in whose names it may be assessed for taxation upon the tax duplicate, who may be residents of the city, and the person serving the notice shall make a return of the time and manner of such service, and verify the same by

affidavit, which shall be filed with the clerk of the board, and the same, or a certified copy thereof, shall be prima facie evidence of the service of the notice as therein stated.

Letting of contracts.

SECTION 43. Upon the passage by council of an ordinance providing for the improvement, as provided in section twenty-three hundred and sixteen of the Revised Statutes, and in all cases where the board deems it advisable to make a contract for the execution of any work, or the purchase of material, for matters under its charge the estimated cost of which exceeds five hundred dollars, the board shall proceed as follows:

1st. It shall advertise for bids for the period of two weeks, or if the estimated cost exceeds five thousand dollars, four weeks.

2nd. The bids, sealed up, shall be filed with the city clerk by twelve o'clock, noon, on the last day, as stated in the advertisement.

3rd. The bids shall be opened at twelve o'clock at noon, on the last day of filing the same, by the city clerk, a member of the board of public affairs, and the city civil engineer, or any two of them, and publicly read by the officer opening the same, and filed in the office of the city clerk; and shall be reported by the city clerk at the next regular meeting of the board thereafter.

4th. Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient guaranty of some disinterested person that if the bid is accepted the contract will be entered into and performance thereof properly secured, or such guaranty may be given by depositing with the clerk a certified check, payable to the order of the board, for an amount specified by the board.

5th. If the work bid for embraces both labor and material, the board may receive separate bids for furnishing the material, separate bids for doing the work, and separate bids for both labor and material.

6th. None but the lowest responsible bid shall be accepted; provided, that when the character of the material of the improvement has not been determined upon before the bids are received, [that] the lowest responsible bid for the improvement with the material determined upon after the bids have been received shall be accepted, and in determining which is the lowest responsible bid the board shall not be controlled by the ability of the bidder to give bond for the performance of his contract, but its decision as to which is the lowest responsible bid shall be conclusive; provided, however, that if the lowest bid is not accepted the board shall state the reason on its minutes; but the board may, in its discretion reject all bids, or it may, in its discretion, purchase the materials for the work and contract simply for the performance of the work.

7th. The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash; provided, however, that the contract price may be paid in assessments, as may have been previ-

ously determined, and suits to recover or enforce such assessments may be brought in the name of the city.

8th. If two or more responsible bids are equal in whole or in part thereof, and are lower than any other responsible bids, either may be accepted, but in no case shall the work be divided between them.

9th. When there is reason to believe that there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected

10th. The presiding officer of the board shall execute all contracts in the name of the city and file them in the office of the board.

No liability to be incurred without formal action of board.

SECTION 44. No member of the board, or other person, whether in the employ of the board or otherwise, shall have power to create any liability on account of the board, or the funds under its control, except by express authority of the board, conferred at a meeting thereof duly and regularly convened.

Public officials not to be interested in contracts.

SECTION 45. No member, officer, or employe of the board shall be directly or indirectly interested in any contract or work of any kind whatever under its direction, and any contract or work in which any such person has an interest shall be void; and it shall be the duty of any person having knowledge or information of the violation of this section forthwith to report the facts to the board, and the board shall give reasonable notice to the parties interested, and at the earliest convenient day investigate the same, and hear evidence offered on both sides.

Board may compel attendance of witnesses.

SECTION 46. The board shall have power in such case to compel the attendance of witnesses and the production of books and papers, and the presiding officer shall have the power to administer the necessary oaths.

Member of board not to sit in investigation of charges in which he is involved.

SECTION 47. If a member of the board be involved in any such charge, he shall not again sit or vote in the board until the result of the investigation is determined, announced, and entered on the minutes of the board; a majority of the board not involved in the charge shall be sufficient to decide the questions; and if an officer or employe of the board be found, upon such inquiry, to have violated any of the foregoing provisions, such finding shall at once operate as a dismissal of such officer or employe.

Contract in violation of foregoing provisions to be void.

SECTION 48. If a contract be made or authorized by the board [and] be found to violate any of the foregoing provisions, it shall at once become void and of no effect, and no money shall be paid for services rendered or material furnished under the same.

Alteration of plans of a contract.

SECTION 49. When it becomes necessary, in the opinion of the board, in the prosecution of any work hereafter ordered, to make alterations or modifications of the specifications or plans of a contract, or to omit from said work any portion of the street or territory originally ordered to be improved, such alteration, modification, or omission, may be made by order of the board; provided, such order shall be of

no effect until the price to be paid for the work under such altered or modified contract has been agreed upon in writing, and signed by the contractors and some person authorized thereunto by the board; and provided, further, the total cost of the work, with the addition of the price so agreed upon, shall not exceed the original contract.

Extra compensation not to be allowed.

SECTION 50. No contractor shall be allowed anything for extra work caused by any alterations or modification, unless an order is made, or agreement signed, as provided in the preceding section, nor shall he, in any case, be allowed more for such alteration than the price fixed for such agreement.

Improvement ordinances must be recommended by board.

SECTION 51. No ordinance or resolution authorizing any improvement shall be passed by council except upon the recommendation of the board.

Measures which must originate in board.

SECTION 52. No grant of the use of a street or highway in any such city for the purpose of a street or other railroad, or an extension thereof, or for any other purpose whatsoever, shall be made or renewed unless first recommended by the board; nor shall any such street or highway be used for supplying gas or water, or be broken up or obstructed for any purpose on any pretense whatever unless permission be first given by the board, and attested by its clerk, in writing; nor shall a resolution or ordinance for the payment of money in settlement of claims for unliquidated damages be passed, nor any binding agreement for such settlement be made by the council, unless the payment or settlement of such claim be first recommended by the board; nor shall any property used or to be used for purposes under the control of the board, or for the use of any such city, be purchased, leased, or disposed of without such recommendation being first made; and any such measure required to originate in the board which is altered, changed or amended in any particular, before taking effect, shall be concurred in by said board.

Work that may be done without letting contract.

SECTION 53. The board may, in its discretion, purchase the necessary material, employ the necessary overseers and hands, to do any work, or make any improvement, no part of which is to be paid by assessment.

Removal of members of board.

SECTION 54. The members of said board, or any one of them, may at any time, be removed from office by the concurrent vote of two-thirds of all members elected to council, in the same manner as elective officers; or in the manner provided for the removal of certain officers, in chapter 3, division 4 title 12, of the Revised Statutes of Ohio.

City printing.

SECTION 55. The board of public affairs may contract with two daily newspapers, of opposite politics, published and of general circulation in the corporation, at not to exceed fifty cents per square for each insertion, and in one newspaper published in the German language, if there be such paper printed and of general circulation in such corporation, for the publication of all resolutions and ordinances of a general nature, or providing for improvements, and of all advertisements, notices and proclamations, which in the event of any such contract shall be published in said newspapers, but in the event of no such contract being made, publication in one such daily newspaper shall be deemed sufficient.

Annual estimates of appropriations.

SECTION 56. The board of public affairs shall furnish to council, on or before the first Monday of April in each year, a statement containing an approximate and detailed estimate of the money needed by the board for the succeeding year for the several purposes for which council may levy taxes.

Claims: how paid.

SECTION 57. Claims against the board of public affairs and all bills for expenses incurred by the board in the administration of the affairs under its control, when approved by the board, shall be paid on the warrant of the clerk by the treasurer of the city.

Employment of additional counsel.

SECTION 58. The board of public affairs shall have the right to employ counsel in addition to the city solicitor in any matter in cases arising under the exclusive control of the board, but no such employment shall be valid without the concurrence of council.

SECTION 59. That section 2328 of the Revised Statutes of Ohio be so amended as to read as follows:

Council to provide for construction and repair of sidewalks.

Sec. 2328. The council shall provide by ordinance for the construction and repair of all necessary sidewalks within the limits of the corporation, and may require, by the imposition of suitable penalties or otherwise, the owners and occupants of abutting lots and lands to keep the sidewalks in repair, free from snow or any nuisance; provided, however, that in cities of the first grade of the first class, and in cities of the third grade *a*, of the second class, all duties and powers herein otherwise imposed on or conferred upon council in relation to sidewalks or the construction or repair of the same, shall be exercised by the board of public affairs of any such city; and it shall not be necessary to have the action or concurrence of council in any of said proceedings.

In certain cities such power to be exercised by board of city affairs.

SECTION 60. That section 2682 of the Revised Statutes of Ohio, be amended to read as follows:

Rates of taxation in cities and villages for general purposes.

Sec. 2682. The council of a city or village shall have power to levy, annually, for the general purposes of the corporation, such amount of taxes, on each dollar of valuation of taxable property in the corporation on the tax list, as may be determined upon by it, not exceeding the following rates:

In a village, one-half of one mill.

In a city of the first or second grade of the second class, one mill.

In a city of the third grade, or third grade *a*, or fourth grade of the second class, two mills.

In a city of the first grade of the first class, four and one-half mills.

In a city of the second grade of the first class, two mills.

In a city of the third grade of the first class, two mills.

SECTION 61. That section 2689*a*, of the Revised Statutes of Ohio, as amended April 11th, 1890, be amended to read as follows:

Maximum of municipal taxes allowable in munic-

Sec. 2689*a*. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general pur-

ipalities other than Cincinnati.

poses, above the tax for county and state purposes, and excluding the tax for school and school-house purposes, shall not exceed in any one year, in cities of the second grade of the first class, nine and one-half mills, for sewer purposes three mills, for paving streets one mill, and such further rate as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section 2712; in cities of the second grade of the first class, fourteen mills, provided, however, that out of the proceeds of such levy, the interest on the indebtedness of such corporation shall first be paid; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of said cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in such cities; in cities of the third grade of the second class, twelve mills, and in cities of the third grade *a*, of the second class, ten mills; provided, that in cities of the third grade of the second class, which by the last federal census had a population exceeding (15,800) fifteen thousand, eight hundred, such cities, for the purpose of constructing wharves and landings, and keeping the same in repair, are authorized to levy such further sum, not exceeding (18) eighteen mills in all, as may be necessary to provide a fund for the construction and keeping in repair of such wharves and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills; and in all other villages, ten mills on each dollar of the value of any property as valued for taxation on the county tax lists; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with the terms of any contract entered into by such cities, or any of them, under the provisions of section 2434, as amended January 29, 1885 (O. L. vol. 82, p. 2); and also provided, that the councils of the municipalities mentioned in this section shall, annually, at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named be changed; and all transfers of funds from one account to another are hereby expressly prohibited.

Distribution of such taxes.

SECTION 62. That section 2690*a*, of the Revised Statutes of Ohio, be so amended as to read as follows:

Board of tax commissioners for certain cities.

Sec. 2690*a*. In each city of the first, second and third grades of the first class, and in cities of the second class first grade, and third grade *a*, and in cities having a population of twenty thousand, and not more than thirty thousand, and in cities having a population of fifteen thousand four hundred and thirty-five, by the last federal census, there shall be a board of tax commissioners to consist of the mayor, the city comptroller, or city auditor, and if they have neither city comptroller [n]or city auditor, then the city solicitor, and three citizens of such

city to be appointed by the superior court of such city, or, if there be no superior court in such city, the court of common pleas of the county in which such city is situated, and which three citizens last mentioned shall be appointed, one for three years, one for two years, and one for one year, and their successors shall be appointed for three years from the expiration of their respective terms. In case of any vacancy by the death, resignation, removal from such city or otherwise of either such citizen commissioners, the same shall be filled for the residue of his term by appointment of said court.

Vacancy: how filled.

SECTION 63. That section 2700*a* of the Revised Statutes of Ohio, be so amended as to read as follows:

Sec. 2700*a*. That in cities of the second class, third grade *a*, loans may be made by the corporation in anticipation of any of the special funds of the corporation, but no such loan shall be made during any fiscal year in anticipation of any such funds exceeding the amount of taxes and revenue from other sources, due and payable into the fund for the fiscal year; and provided, further, that no new loan in anticipation of any such special fund shall be made until the loan previously made in anticipation of such fund has been fully paid and canceled.

Loan in anticipation of revenue.

SECTION 64. That section 2805 of the Revised Statutes of Ohio, as amended April 28, 1890 (vol. 87, page 370, 1 and 2), be so amended as to read as follows:

Sec. 2805. In each city of the first and second class, excepting the first grade of the first class, there shall be an annual board for an equalization of the value of real and personal property, moneys and credits in such city, to be composed of the county auditor and six electors in such city appointed by council thereof, but in cities of the second class, third grade *a*, said six members shall be appointed by the board of tax commissioners, and the appointment of said board shall be so made, and the vacancies shall be so filled that no more than three members thereof shall be of the same political party, faith and allegiance, the first appointments to be two for one year, two for two years, and two for three years, and all the vacancies shall be filled for the unexpired term from the members of the same political faith whose term shall expire. Said board shall have all the powers, and be governed by the rules, provisions, and limitations prescribed in the next preceding section for the annual county board; each member of said board is authorized to administer oaths, and said board is empowered to call persons before them, and examine them, under oath, in regard to their own or others' property, moneys, credits, and investments, and the value thereof, and to equalize the value of real and personal property, moneys, credits, and investments within such city, and to order any property, credit or investment to be placed on the duplicate for taxation, and fix the value thereof, according to law, which has not been listed for taxation, and to increase the value of such property, moneys, credits, and investments, as have in their judgment, been listed at less than their true value in money, and to reduce the value of such property, moneys, credits or investments as have been appraised above their true value in money, and shall annually

Annual city board of equalization: how constituted and organized.

meet, at the office of the county auditor, on the fourth Monday in May, except in cities of the second grade of the first class, when it shall meet on the fourth Monday in May, and shall close its session on or before the second Monday of September, except that in cities of the third grade of the first class, and in cities of the first and second grades of the second class, and cities having a population of twenty thousand and over by the last federal census, and which have not been by ordinance advanced to a city of the second grade of the second class, and in cities of the second class, third grade *a*, said board shall close its session on or before the first Monday of August; and in cities of the third and fourth grades of the second class, said board shall close its session on or before the fourth Monday of June then next following. For each day necessarily employed in the performance of their duties, the members of said board shall receive, in cities of the first class, and the first and second grades of the second class, and in cities having a population of twenty thousand and over, ascertained as aforesaid, and which have not been advanced to a city of the second grade of the second class, and in cities of the second class, third grade *a*, the sum of five dollars per day, and in cities of the third and fourth grades of the second class, the sum of three dollars per day, and in cities of the third and fourth grade of the second class, not county seats, the members of such board shall receive, in addition to the sum of three dollars per day, ten cents per mile traveling expenses going to said county seat. The county auditor may act by his deputy or chief clerk in all city boards of equalization, and such boards shall each have the same powers as are conferred upon annual county boards by the next preceding section, and upon the complaint of the presiding officer thereof to the probate judge, the same proceedings shall be had against persons notified, and neglecting or refusing to appear before them, or refusing to swear, or answer questions, as is provided in section two thousand seven hundred and eighty-three; and county solicitors, or, where there is no such office, the prosecuting attorney of the county shall act as the legal adviser and attorney for the county board, and the city solicitor of the city board of equalization.

Compensation.

SECTION 65. That section 2815 of the Revised Statutes of Ohio as amended April 26, 1890 (vol. 87, page 334), be so amended as to read as follows:

Decennial city board of equalization: how constituted and organized.

Sec. 2815. In each city of the first and second class there shall be a decennial board for the equalization of the value of the real property within such city, to be composed of the county auditor and six citizens of such city, appointed by the council thereof, except that in cities of the first grade of the first class, said six members shall be appointed by the city comptroller of such city, and shall consist of three members of each of the two leading political parties, and except that in cities of the second class, third grade *a*, said six members shall be appointed by the board of tax commissioners, and not more than three of the persons so appointed shall be members of the same political party. Said board shall convene at the office of the county auditor, on the third Monday of September, in the [year] one thousand eight hundred and ninety, and

every tenth year thereafter; and they shall severally take the same oath as that prescribed by [for] the decennial county board; and a record of the proceedings and orders of said decennial city board of equalization shall be kept by the auditor.

SECTION 66. That section 2926*t* of the Revised Statutes of Ohio, be so amended as to read as follows:

Salaries of members of board of elections.

Sec. 2926*t*. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of one thousand dollars ($1,000) per annum, in cities of the second grade in the first class, a salary of six hundred dollars ($600) per annum. And in cities of the third and fourth grades in the first class, and the first and second grades of the second class, a salary of four hundred dollars ($400) per annum, payable quarterly, and in cities of the third grade, and third grade *a*, in the second class, a salary of two hundred dollars ($200) per annum, payable quarterly, and in cities of the fourth grade in the second class a salary of fifty dollars ($50) per annum, payable semi-annually. The secretary of the board of elections in cities of the first grade in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars ($2,400) per annum, in monthly payments, and in cities of the second grade in the first class, a salary of two thousand dollars ($2,000) per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars ($600) per annum, in monthly payments, and in cities of the first and second grades, second class, a salary of five hundred dollars ($500) per annum, in monthly payments, and in cities of the third grade, and third grade *a*, of the second class, a salary of two hundred dollars ($200) per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade in the second class, a salary of one hundred dollars ($100) per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, or city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed, except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' services actually performed by each, and signed by the president and secretary of the board to the city

Salary of secretary.

Compensation of registrars, judges and clerks.

When expense of registration to be paid by county.

comptroller, city clerk, or city au ..or of such city, but for all general elections, other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasurer for such amount.

Redistricting commission: how constituted.

SECTION 67. That in every city of the second class, third grade *a*, the mayor of said city and the judge of the court of common pleas of the county in which such city is situate, upon petition therefor by twenty-five electors of such city, shall appoint four electors of such city, not more than two of whom shall be members of the same political party, who shall

Duties of.

constitute a commission to redistrict such city. Said commission, when so appointed, shall take an oath to faithfully discharge their duties with impartiality, and shall immediately proceed to redistrict such city into six wards, bounded by center lines of streets, alleys, avenues, canals, water-courses, railroads, or by corporation lines, or public grounds, and composed of adjacent and compact territory, consecutively numbered, and containing as nearly an equal number [of] inhabitants as in the opinion of said commission may be practicable. Said redistricting shall be completed within five days after the appointment of said commission. The commission shall deposit one certified copy of the description of the boundaries of the wards, as established by it, with the secretary of the board of elections of said city, and one certified copy with the city clerk, who shall immediately record the same in the record book of general ordinances of such city, and such redistricting shall have the same force and effect as if made by ordinance of the council. The concurrence of all members of the commission shall be necessary for making any order or for the validity of any act of the commission, and all expenses incurred by the said commission, in the discharge of its duties, shall be paid

Elections succeeding redistricting.

by the city out of the general expense fund thereof. No election of members of council or board of education shall be held until the next ensuing annual election for corporation officers after such redestricting. At the next ensuing annual election for corporation officers one member of the council to serve for one year, and one member of the council to serve for two years, one member of the board of education to serve for one year, and one member to serve for two years, shall be elected in each of the wards of said city, and annually thereafter there shall be elected, one member of council in each ward to serve for the term of two years, and one member of the board of education to serve for the term of two years.

Mayor's election proclamation.

SECTION 68. That section 1726, of the Revised Statutes of Ohio, shall, at the next annual election for corporation officers after the passage of this act, apply only so far as to require the publication of the proclamation therein named at least five days previous to said election, and provided further, that if the commission, in this act provided for to redistrict

any of such cities, shall not have deposited, as herein provided, a description of the boundaries of the wards established by it, with the secretary of the board of elections on or before the twelfth day prior to such first annual municipal election, then all persons in such city possessing the qualifications of electors shall be entitled to vote, in their respective precincts as defined by the board of elections, without registration for such first election.

Repeals.

SECTION 69. That sections 1546, 1548, 1755, 1781, 1785, 1808, 2328, 2682, 2689*a*, as amended April 11, 1890, 2690*a*, 2805, as amended April 28, 1890, 2815, as amended April 26, 1890, and section 2629*t* [2926*t*], be and the same are hereby repealed.

When act shall go into effect, etc.

SECTION 70. This act shall take effect and be in force from and after its passage; provided, that the clerk of the police court, and the clerk of any such city, now in office, shall continue therein till the expiration of their respective terms; and provided, that all officers of any such city whose duties are provided for by the provisions of this act, shall serve until the appointment or election of officers under this act to perform their respective duties.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 23, 1891.
120G

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[House Bill No. 34.]

AN ACT

To amend and supplement section 6350 of the Revised Statutes of Ohio, as amended April 13, 1880.

Insolvent debtors:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six thousand three hundred and fifty of the Revised Statutes, as amended April 13, 1880, be amended and supplemented, with sectional numbering so as to read as follows:

Trustee of insolvent debtor to convert assets, etc., into money.

Sec. 6350. The assignee or trustee shall proceed at once to convert all the assets received by him into money, and to sell the real estate and personal property assigned, including stocks and such bonds, notes and other claims as are not due, and which can not probably be collected within a reasonable time, at public auction, either for cash or upon such other terms as the court may order.

Sale of real estate.

Sec. 6350*a*. Notice of the time and place of the sale of the real estate assigned, shall be given by advertisement in some newspaper of general circulation, in the county where the said real estate is situate, for four consecutive weeks, and shall not be sold for less than two-thirds of the appraised value thereof, being subject to re-appraisement, as upon executions at law.

Sale of personal property.

Sec. 6350*b*. Notice of the time and place of the sale of the personal property assigned, shall be given for at least ten days prior to the day of sale, by advertisement in some newspaper of general circulation within the county, or by posting written or printed notices thereof, in at least fifteen public places in the county, not less than five of which notices shall be posted in the township in which the sale is to be held.

Court may order property disposed of at private sale.

Sec. 6350*c*. Whenever the court shall be satisfied that it would be for the advantage of the creditors of the assignor, to sell any part or all of the real estate or personal property assigned at private sale, the court may authorize the assignee or trustee to thus sell the same, either for cash, or upon such other terms as the court may order; but such real estate shall in no case be sold for less than two-thirds of its appraised value; nor shall such personal property be sold for less than two-thirds of such appraisement, unless the court shall, upon good cause shown, order the assignee or trustee to sell the same for a less amount; provided, however, that the limitation as to the price for which real estate shall be sold, shall not apply to real estate situate out of this state.

Property to be sold at auction if not disposed of privately.

Sec. 6350*d*. Should any property ordered to be sold by the court at private sale, be not sold within the time prescribed, then the court shall order the same to be sold a public auction, in the same manner as though a private sale had not been ordered; and the assignee or trustee may, with the approval of the court, compromise or sell any claim or demand, due or owing to the assignor, which is desperate or difficult of collection; and he may also, with the approval of the court, complete and enforce all sales of the real estate made by the assignor.

Compromise or sale of claims.

Enforcements of real contracts.

Confirmation of sales.

Sec. 6350*e*. A report of all the sales of real estate and personal property, made as herein provided, shall be returned to the court within the time prescribed, and confirmed before the same shall be complete and binding; if confirmed, deeds for the real estate sold, shall be made to the purchasers, by the assignee or trustee, conveying the title free from all liens on the same for all debts due by the assignor.

Wife of assignor may be made a party.

Sec. 6350*f*. When real estate is to be sold as herein provided, the wife of the assignor may be made a party, and she may file her answer, and ask the court to have said real estate sold free of her contingent right of dower, and to allow her in lieu thereof, out of the proceeds of the sale, such sums of money as the court deems the just and reasonable value of her contingent dower interest therein; and such answer shall have the force and effect, and shall be taken and held to be, in all respects, as a deed of release of her contingent dower interest therein.

Court may order sale of mortgaged real property and determine dower interests in balance of proceeds of sale.

Sec. 6350*g*. Where the assignor and his wife have jointly executed a mortgage upon any of the real estate assigned, or where the assignor alone has executed a mortgage upon any of said real estate, as security for the payment of the purchase money, or a part thereof, the court shall order the sale of the same free from the contingent right of dower of such wife, and shall find and determine the just and reasonable value

of her contingent dower interests in the balance of the proceeds of such sale, after the payment of such incumbrances as preclude her right to dower therein.

Court, on application of three-fourths of creditors, may order business of assignor carried on by assignee.

Sec. 6350*h*. The court may, when satisfied that it would be for the advantage of the creditors of the assignor, and upon a written application therefor, by a three-fourths in number and amount of said creditors, order any business carried on by the assignor at the time of the assignment, to be continued by the assignee or trustee; and the court shall order the discontinuance of said business whenever he deems it to the advantage of said creditors, and shall fix and allow such compensation for said assignee or trustee for the running of said business, in addition to the fees now allowed by law as may be just and proper.

Repeals.

SECTION 2. That said original section 6350, as amended April 13, 1880, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
121G

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[ House Bill No. 1229.]

AN ACT

Supplementary to chapter eight, title seven, of the Revised Statutes.

Two-mile assessment pikes: certain statutes relating to, shall apply to certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That except as otherwise herein provided, and so far as the same may be applicable, sections 4836*a*, 4836*b*, 4836*c*, 4836*d*, 4836*f*, 4836*g*, of the Revised Statutes, shall apply to, regulate and govern the laying out and constructing of all two-mile assessment pikes that may hereafter be laid out and constructed in all counties of the state having at the federal census of eighteen hundred and ninety, or that may at any subsequent federal census have a population of not less than forty-three thousand and not more than forty-five thousand, and in all counties of the state having at the federal census of eighteen hundred and ninety, or that may have at any subsequent federal census, a population of not less than twenty-one thousand and not more than twenty-two thousand; provided, in such counties not more than one-fourth of the total cost and expenses of such improvements shall be paid from the proceeds of levies upon the grand duplicates of such counties, and the bonds so authorized may bear interest at a rate not in excess of six per cent. per annum, payable semi-annually, and may be made to mature in not less than three and not more than ten years from the date of their issue.

Not more than one-fourth of cost to be paid by county at large.

All other sections relating to two-mile

SECTION 2. All the other provisions of chapter eight, title seven, of the Revised Statutes regulating two-mile assess-

assessment pikes to be in force.

ment pikes shall remain in full force and applicable to improvements made under this act except where inconsistent with the foregoing special provisions or with said sections 4836*a*, 4836*b*, 4836*c*, 4836*d*, 4836*f*, and 4836*g*.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
122G

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[House Bill No. 1237.]

AN ACT

To provide for the improvement of streets and alleys in cities of the third grade of the second class, having a population at the last federal census of seventeen thousand five hundred and sixty-five, and in cities of the fourth grade of the second class, having a population at the last federal census of (9,090) nine thousand and ninety.

Authorizing certain cities (Hamilton and Piqua) to pave streets with permanent material, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the third grade of the second class, having a population at the last federal census of seventeen thousand five hundred and sixty-five, and in cities of the fourth grade of the second class, having a population at the last federal census of nine thousand and ninety, the city councils of any such cities shall have authority to cause any of the streets or avenues, or parts thereof of said city, to be paved with granite, or other stone block, asphalt, vitrified brick, or other permanent material, and the alleys thereof, or any part, with cobble-stones or boulders, and wherever needed in connection therewith to curb and gutter said streets, avenues or alleys, and to ordain that said improvements shall be paid for and assessed upon the property abutting on the same in accordance with the various provisions of this supplement, and in accordance with the various provisions of law now enacted or hereafter enacted applicable thereto and not inconsistent with this act.

Issue of bonds.

SECTION 2. In order to provide for the payment of the costs and expenses of said improvements to be assessed on the abutting property, the councils may, from time to time (as such improvement progresses), issue the bonds of such cities in such sums as will be required, in all to an amount not exceeding the contract price of the work and the other expenses attending the same, and interest as hereinafter provided for; said bonds shall be issued as other bonds of such cities are issued, but they shall bear the name of the street, or avenue, or alley to whose improvement they are issued, and shall state therein that they are to be paid by an assessment upon the property abutting on the said improvement; said bonds shall extend over a period of at least eight years, to be provided in the ordinance directing the improvement; they shall bear interest at a rate not exceeding six per cent. per annum, pay-

able semi-annually, on the first day of July and January, and principal and interest payable at the office of the city treasurer.

Sale of bonds, etc.

SECTION 3. The said bonds shall be negotiated at not less than par, as the other bonds of such cities are negotiated, and the proceeds shall be applied solely to pay for said improvement, and the proceeds thereof shall only be paid upon the certificate of the city engineer and superintendent herein provided for, that the work has been done according to the contract. When the whole work is done, the amount of the bonds sold to pay for the same, and the interest thereon to the next interest day, when assessments can be collected as hereinafter provided to pay the same, shall be taken as the cost of said improvement to be paid by the abutting property owners, and that amount shall be assessed equally by the front foot of property fronting or abutting on the said improvement.

Cost to be assessed on abutting property.

Payment of assessments.

SECTION 4. Such assessment shall be placed upon the tax duplicate, and shall be payable in equal installments to meet said bonds provided for in the ordinance ordering said improvements, at the county treasurer's office, with interest at the rate provided in said bonds, payable semi-annually, from the date to which such semi-annual interest was computed, on the amount of said bonds, or so much as remains unpaid, from time to time, until all said bonds and interest are fully paid.

Assessments to be lien on property.

SECTION 5. Such assessments, with the interest accruing thereon, shall be a lien on the property abutting upon the street, avenue, or alley from the time the contract is entered into for the making of said improvement, and shall remain a lien until fully paid, having precedence of all other liens except taxes, and shall not be divested by any judicial sale unless the payment of the same is provided for from the proceeds of such sale; provided, such lien shall be limited to the usual depth of the lots or lands abutting on said improvement. No mistakes in the description of the property or the name of the owner or owners shall impair the said lien.

Assessments may be paid at any time.

SECTION 6. Any owner of property against whom an assessment shall have been made for such improvement shall have the right to pay the same, or any part yet remaining unpaid, in full, with interest thereon, to the next semi-annual payment due on said assessment; such payment shall discharge the lien on the property. If any owner shall subdivide any abutting property after such lien attaches, he may discharge the same upon any part thereof in like manner.

Disposition of moneys paid in.

SECTION 7. All moneys received from such assessments shall be appropriated by the proper authorities of the cities solely to the payment of the interest and the redemption of the bonds issued for said improvement, or any renewal thereof. If any bond or interest shall be due, and no money is in hand to pay the same, the cities shall be authorized to make a temporary loan to pay the same; but such lien shall continue in full force on the abutting property for the full assessments not paid, and accruing interest for such temporary loan, in behalf of such city.

Temporary loans may be made.

Section 2270 does not apply.

SECTION 18. That section 2270 of the Revised Statutes of Ohio, as amended April 25th, 1885 (82 vol., p. 155), shall not apply to any improvement of streets and alleys ordained to be made under this act.

SECTION 19. This act shall take effect and be in force on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
123G

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[House Bill No. 1262.]

AN ACT

To supplement section 6923 of the Revised Statutes.

Offenses against public health:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted supplementary to section 6923 of the Revised Statutes of the state of Ohio, with sectional numbering as follows:

Bodies of animals dying from contagious diseases must be burned or buried.

Sec. 6923*a*. The bodies of all animals dying from contagious diseases shall be burned, or buried at least four feet below the surface of the ground by the owner thereof. Any such owner permitting such dead animals to remain unburned, or unburied, or neglecting, or refusing to comply with the provisions of this section within twenty-four hours after having knowledge of the existence of such dead animals, or after notice thereof, in writing from the trustees of the township in which such dead animals may be found, it shall be the duty of said trustees to proceed to dispose of such dead animals as provided in this section, and such owner, so neglecting or refusing shall be fined in any sum not less than five dollars, nor more than twenty dollars, together with the cost of suit, and all necessary expenses incurred by said trustees in disposing of such animals. Action to recover fines, costs, and expenses as herein provided, shall be brought upon complaint of said trustees before any justice of the peace, in the township in which such owner resides. Provided, that the dead bodies of such animals may be removed to a fertilizing establishment, if removed in a water-tight tank.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
124G

[House Bill No. 1325.]

## AN ACT

**To authorize any village having a population by the federal census of 1880, or which at any subsequent federal census may have, of not less than nine hundred and sixty-five nor more than one thousand, to borrow money to be used in construction of a railway to connect it with a college located not more than three and three-fourths miles distant.**

Certain villages (Garrettsville) may issue bonds to aid in the construction of a railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the council of any incorporated village having a population by the federal census of 1880, or which at any subsequent federal census may have, of not less than nine hundred and sixty-five nor more than one thousand, shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of said village that a line of railway between such village and a college located not more than three and three-fourths miles distant, be constructed and built, it shall be lawful for said council, and they are hereby authorized to borrow as a fund for the purpose of aiding in the construction of said railway, not to exceed six thousand dollars ($6,000.00), and to issue bonds therefor in the name of such village, under the corporate seal thereof, bearing interest not to exceed six (6) per cent. per annum, payable semi-annually; said bonds to be payable at such times and places and in such sums as shall be deemed best by said council, and shall be signed by the mayor and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of faith of said village, and such bonds shall not be sold for less than their par value.

Question to be voted on.

SECTION 2. Provided, that no bonds shall be issued or money borrowed under the provisions of this act until the question of issuing such bonds for such purpose shall have been submitted to the qualified electors of such village, and two-thirds ($\frac{2}{3}$) of such qualified electors voting on said question shall have voted "Issuing of bonds to aid in building college railway—Yes." Such question may be submitted to said electors by said council by giving ten days' notice thereof by advertisement in one or more papers of general circulation in such village, specifying therein the amount of bonds proposed to be issued, and rate of interest for the same. Said notice shall also state that each voter shall have printed or written upon his ballot, "Issuing of bonds to aid in building college railway—Yes;" or "Issuing of bonds to aid in building college railway—No." Said election shall be conducted by the qualified board of elections of such village.

Levy of tax.

SECTION 3. That the council of such village is hereby authorized to levy a tax on all the taxable property within the corporate limits of said village to pay said bonds, together with interest thereon, as they shall become due; which levy shall be placed on the tax duplicate by the auditor of the county in which such village may be located and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
125G

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[House Bill No. 1347.]

AN ACT

To amend section one of an act entitled "An act to provide an official stenographer for certain counties therein described," passed March 24, 1890 (87 O. L. 92).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "An act to provide an official stenographer for certain counties therein described," passed March 24,1890, be amended so as to read as follows:

Providing for appointment of official stenographers in certain counties.

Sec. 1. That in all counties having a population of not more than forty-nine thousand nor less than forty-two thousand, and also in counties having a population of not less than forty thousand four hundred and eighty, nor more than forty thousand and five hundred by the federal census of 1880, or which at any subsequent federal census may have such populations, the court of common pleas may appoint one official stenographer for such county, who shall hold his office for the term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office, and he shall receive a salary to be fixed by said court not exceeding eighteen hundred dollars per annum, payable in equal monthly installments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts, and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Repeals.

SECTION 2. That said section one of the act referred to, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
126G

[House Bill No. 1358.]

AN ACT

To amend section 12 of an act entitled "An act to create a depositary commission in all cities of the second grade of the first class, and to establish a depositary for the funds of such cities, and for other purposes," passed April 11th, 1888 (85 O. L., 197).

Depositaries for public moneys in certain cities (Cleveland).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 12 of an act entitled "An act to create a depositary commission in all cities of the second grade of the first class, and to establish a depositary for the funds of such cities, and for other purposes," be amended so as to read as follows:

Daily statements by depositary.

Sec. 12. The depositary shall, in writing, notify the city auditor, before noon of each business day, of the amount of deposits to the credit of the city made by the city treasurer the preceding business day, and shall also notify the president of the board of education, in like manner, and at the same time, of the amount of deposits to the credit of the school district made by the treasurer of the school funds the preceding business day; and the depositary shall pay out money deposited under the provisions of this act only on the checks of the city treasurer, as such, or as treasurer ex-officio of the school funds, and no such check shall be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the city auditor, or of the order of the president and clerk of the board of education, as the case may be, authorizing the payment of the sum specified in the check. All such warrants and orders shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original" and the other shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of such treasurer.

How disbursements made by depositary.

Warrants and orders.

Repeals, etc.

SECTION 2. Said original section 12 is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
127G

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[House Bill No. 1410.]

AN ACT

To enact and add a supplemental section to section 2926*h*, as amended April 28th, 1890, of the Revised Statutes, to be known and designated as supplemental section 2926*hh*, with sectional numbering as follows:

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a section supplemental to section number 2926*h* of the Revised Statutes of Ohio, as amended April 28th,

1890, with sectional numbering to be known and designated as supplemental section 2926*hh*, be enacted as follows:

Provisions of registration law extended to certain cities (Findlay).

Sec. 2926*hh*. Provided further that the provisions of said section 2926*h* and all other sections of the statutes of the state of Ohio concerning and regulating the registration of electors, and the holding of elections and voting in cities of the second class in said state be and the same are hereby extended to and made applicable to any city or cities in said state having at the last federal census a population of eighteen thousand six hundred and seventy-four (18,674) and no more or less, and that in any such city or cities where no registration of such electors in such city or cities has heretofore been made, under the provisions of the registration laws of said state now in force therein, the mayor of such city or cities shall immediately on the passage of this act, proceed to appoint a board of elections as provided in section 2926*b*, as amended April 28th, 1890, of said statutes. Said board of elections shall immediately after their said appointment meet and organize and proceed to appoint a secretary, registrars of elections, judges, clerks of elections, and such other clerks, officers and agents as are now provided for by the registration laws of said state applicable to a general registration of electors in cities of the second class in said state, and appoint times and places for such registration, and provide suitable rooms, furniture, blanks and all other things now authorized to be provided for the registration of electors in said cities of the second class, and make all needful rules and regulations, and furnish all needed ballot-boxes, ballots, blanks, papers and all such other materials, and appoint all such assistants, employes and officers as may be necessary to fully carry out the provisions of said statutes as to elections in said cities of the second class and make the same applicable to a city or cities having the population aforesaid in said state, and in all respects enforce the laws governing the same, so that all laws now in force applicable to the registration of electors in cities of the second class in said state and the way and manner of voting at any general or special election, in said state shall be, and the same hereby are extended to and made and declared to be in full force and effect as to any city or cities in said state having a population of eighteen thousand six hundred and seventy-four (18,674) and no more or less as ascertained by the last federal census as aforesaid. Provided, further, that for the purpose of carrying out the provisions of this supplemental section of said statutes in the year 1891, Thursday the 12th and Thursday the 26th day of March, and Thursday the 2nd day of April, 1891, and none other, be and the same are hereby designated and appointed as days for general registration of electors for the April election in that year in the city or cities of said state having the population aforesaid according to the census aforesaid, at which times and places said board of elections and the officers, employes and others appointed by them under the provisions of said statutes shall proceed to do and perform all and singular such acts, provide such means and facilities for the registration of electors in the several precincts of such city or cities as are required to be done

Board of elections: appointment and organization of, etc.

Certain days in 1891 set apart for registration, etc.

under the provisions of the statutes now in force for the registration of electors in cities of the second class during the month next preceding the November election in each presidential year, and in all respects the elections to be held in April, 1891, in such city or cities having a population of eighteen thousand six hundred and seventy-four (18,674) as aforesaid, shall be conducted as provided by the laws now in force, prescribing the manner of conducting and regulating general and special elections in cities of the second class in said state, and no person shall be permitted to vote at any general or special election in any election board [ward] or precinct, in such city or cities, unless he shall have caused himself to be registered as an elector in such board [ward] or precinct in the manner and at the times and places required by this supplemental act, and the statutes pertaining to registration and voting in cities of the second class in said state; and provided, further, that the provisions of this supplemental act shall be and remain in full force and effect until after the presidential election of 1892; and after said election only to the extent and in the manner hereinafter provided. And provided further, that on Thursday in the fourth week, and Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November next, a general registration of electors in said city or cities shall again be had in accordance with the provisions of the supplemental section and other laws pertaining to registration in cities of the second class in said state, and the mode of conducting such election shall be in all respects as now provided by law for conducting elections in cities of the second class. Provided further, that there shall be no general registration for the April election to be held in 1892 or for any special election in 1891 or 1892 in such city or cities; but at such April or any special election, at the times and places hereinbefore provided for registration days, only those electors of said city or cities having the population aforesaid shall be required to register, as may be new electors, or who have moved into any ward or precinct of any such city or cities since any general, state, or April registration, and have not been registered therein, excepting that at such April or public election, after the year 1891 other than presidential and state, such registration shall take place, except in the year 1891, on Friday and Saturday in the second week before any such election, as now provided by law for registration and voting in cities of the second class in said state where registration has heretofore been had; and provided further, that on Thursday in the 4th week, Thursday in the third week, and Friday and Saturday in the second week next before the day of the general election in November, 1892, a general registration of all electors in said city or cities having a population as aforesaid shall be again had and taken as required by law as to cities of the second class and the voting, conducting and managing of such elections shall in all respects be in accordance with the laws now in force regulating registration and elections in cities of the second class in said state; and after the November election of 1892 a city or cities having the

April and special elections: who shall be required to register for.

Registration for general election in 1892.

population aforesaid according to the federal census of 1890 shall continue to be and remain subject to the laws governing and regulating the registration of electors and voting in cities of the second class in said state, and the registration of electors and the holding and conducting elections therein shall in all respects be the same as in cities of the second class under the general laws aforesaid which may then be in force, provided further, that nothing herein contained shall in any way or manner affect the provisions of section 2926*t*, and all the provisions of said section shall be and remain in full force and effect and applicable to any city or cities in said state having a population as aforesaid.

SECTION 2. This supplemental act shall be in full force and effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
128G

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[House Bill No. 1490.]

AN ACT

Supplementary to section 308 of the Revised Statutes.

Commissioner of labor statistics:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 308 of the Revised Statutes be supplemented with the following section:

Commissioner may, with governor's consent, remove superintendent or clerk of employment bureau.

Sec. 308*a*. The tenure of office for all superintendents and clerks of free public employment offices shall be two years from the date of appointment, but the commissioner of labor statistics shall have the power of removing any of such superintendents and clerks for good and sufficient cause, and all appointments and removals of such superintendents and clerks shall be made with the consent of the governor.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
129G

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[House Bill No. 1497.]

AN ACT

To authorize certain persons to fence up improved roads.

Owners of land in certain counties (Union and Logan) may

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons owning land in any county within the state of Ohio, having at the federal census

of 1890, 27,386 inhabitants; and any person or persons owning land in any county within said state having at said census 22,860 inhabitants, through or along the line of any road improved under the one or two mile assessment plan, or turnpike which is or may hereafter be located may, upon the consent of the county commissioners of their respective counties, when it will not interfere with public travel, nor decrease the width of such road below thirty feet, set their fence enclosing said road so as to enclose the ditches or drains along said road within their enclosure; provided, any person setting his fence out as above provided, shall keep the ditches or drains in good repair, at his own expense, and all such fences shall be straight.

enclose ditches along improved roads.

Person so doing must keep ditches in repair.

SECTION 2. Any person failing to keep said ditches or drains in good repair, as ordered by the commissioners of their respective counties, shall pay the expense of the same, and forfeit the right to keep such fence on the outside of said ditches or water-courses.

Forfeitures.

SECTION 3. The original act passed March 21, 1887, of which this is amendatory, is hereby repealed, and this act shall be in force from and after its passage.

Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
130G

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[House Bill No. 1514.]

AN ACT

**To amend sections 1879 and 1895 of the Revised Statutes.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1879 and 1895 of the Revised Statutes be so amended as to read as follows:

Police boards and officers (Cincinnati):

Sec. 1879. The police force shall be composed of a superintendent of police and inspector of police, whose duty it shall be to act under the directions of the superintendent, as his deputy or assistant, and perform such other service as may be required of him by the mayor or superintendent; so many lieutenants of police as may be necessary, not to exceed twenty; one superintendent of patrol, with rank and pay of lieutenant; so many clerks, police court officers and station house keepers as may be necessary; and so many watchmen or patrolmen as may be proper, not to exceed four hundred, not including mounted police; one surgeon of police, and one assistant surgeon of police.

Force: how constituted and officered.

Sec. 1895. The officers and members of the police force, shall receive compensations as follows: The superintendent of police, a salary of thirty-five hundred dollars per annum, ten hundred dollars of which sum shall be paid by the county in which such city is situated; the inspector of police shall

Compensation of officers and members.

receive a salary not exceeding fifteen hundred dollars; the police surgeon shall receive a salary not exceeding fifteen hundred dollars; the assistant surgeon of police shall receive a salary not exceeding twelve hundred dollars; lieutenants of police shall receive pay at the rate of seventy dollars per month for the first year, seventy-five dollars per month [illegible] the second year, eighty-five dollars per month for the [illegible] year, and for the fourth and subsequent years of their ser ninety dollars per month; patrolmen shall receive pay at the [illegible] of sixty-five dollars per month during the first year of their service, seventy dollars [per month] during the second year of their service, seventy-five dollars per month for the third and subsequent years; and station-house keepers shall receive pay at the rate of fifty dollars per month; provided however, that in estimating the length of service, those officers and policemen appointed from the force now existing in such city, shall receive credit for the faithful services rendered as such officers and policemen heretofore. The compensation of all clerks and other persons employed under the provisions of this subdivision, and not otherwise fixed, shall be determined by the commissioners.

Repeals.

SECTION 2. That said sections 1879 and 1895 of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
131G

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[House Bill No. 1136.]

AN ACT

To amend section 282 of the Revised Statutes.

Superintendent of insurance:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 282 of the Revised Statutes be amended so as to read as follows:

Fees shall be paid by companies.

Sec. 282. There shall be paid by every insurance company doing business in this state, to the superintendent of insurance, the following fees: For filing a copy of its charter or deed of settlement, twenty-five dollars; for filing each statement, twenty dollars; for each certificate of authority or license and certified copy thereof, two dollars; for each copy of a paper filed in his office, the sum of twenty cents per folio; and for affixing the seal of office and certifying any paper, one dollar; all of which fees shall be paid by the superintendent into the state treasury. There shall, also, be paid by every life insurance company doing business in this state, annually, by way of compensation for the valuation of its policies, in case no certified valuation of the same has

been furnished to the superintendent of insurance, as provided in section 279 of this chapter, one cent on every one thousand dollars insured by it on lives, which shall be paid by the superintendent of insurance into the state treasury. And the actual cost of making such valuations certified to the auditor of state by the superintendent of insurance, shall be paid out of the state treasury on the warrant of the auditor of state. When, by the laws of any other state or nation, any taxes, fines, penalties, license fees, deposits of money or of securities, or other obligations or prohibitions are imposed on insurance companies of this state doing business in such state or nation, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions, of whatever kind, shall be imposed upon all insurance companies of such other state or nation doing business within this state, and upon their agents here.

Repeals, etc.

SECTION 2. That said original section 282 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
132G

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[House Bill No. 1341.]

AN ACT

To supplement sections sixteen hundred and seventy-two, sixteen hundred and seventy-five and sixteen hundred and seventy-six of the Revised Statutes of Ohio.

Council and aldermen:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections sixteen hundred and seventy-two, sixteen hundred and seventy-five, sixteen hundred and seventy-six of the Revised Statutes of Ohio, be supplemented by additional sections with the sectional numbers as follows:

Election of council in certain cities (Hamilton).

Sec. 1672*a*. In cities of the third grade of the second ...s, having a population at the eleventh federal census of ...enteen thousand five hundred and sixty-five, the legisla... authorities of said cities, except as provided in sections 1655, 1656, 1658 and 1661 of the Revised Statutes as hereby amended, shall be vested in a council consisting of two members from each ward, and one member who shall be elected at large, annually, and who shall be president of the council, and who shall appoint all standing committees. And the members of the council in said cities shall each receive as compensation for their services a salary of not exceeding two hundred dollars ($200) per annum, to be fixed by ordinance; provided, however, that before any ordinance is passed fixing the salary, the council by resolution passed therefor, shall submit the question of paying councilmen a salary, to the voters of the municipal corpora-

Members of council to receive salary, the people so voting.

tion at any regular or special election, and not less than ten days' notice of the submission shall be given in one or more newspapers printed therein, and if a majority of the voters voting at such election upon the question of paying a salary, vote in favor thereof, then, and not otherwise, shall the council pass an ordinance fixing the salary of councilmen. Those who vote in favor of the proposition shall have written or printed on their ballots the words, "For fixing a salary for councilmen," and those who vote against the same shall have written or printed on their ballots the words, "Against fixing the salary for councilmen."

Oath to be administered.

Sec. 1675*a*. The president, as provided for in section 1672*a* of this act, or in his absence or inability, the clerk at the hour of the first regular meeting of the council, after the second Monday of April in each year, shall call to order the members elect, and those holding over, who may be assembled; and as the members elect are called, they shall present their certificates of election and take the required oath of office, if they have not already taken said oath; and a majority of all the members elected shall constitute a quorum for the transaction of business. If any member has taken the oath of office prior to the presentation of his certificate of election, he must present a certified copy from the officer who administered the oath, stating therein that the official oath had been administered to him.

Quorum.

Organization of council.

Sec. 1676*a*. In cities under this subdivision, if the members elect of the council and the members holding over, then present, constitute a quorum, they shall, forthwith, proceed to organize by electing a president pro tempore from their own number, a clerk, and such other officers necessary to perfect their organization, as by ordinance may be provided; in the organization of the board, as provided for in this section, the clerk shall call, publicly, the roll of all the members composing the board, and enter upon the records required to be kept, the name of those voting and for whom they voted; and for the election of any officer it shall require a majority of all the members of the board elect. And the clerk of said board may, by and with consent of council, appoint a deputy, which deputy shall not be allowed any extra compensation by the city for any services rendered.

SECTION 2. This act shall take effect and be in force on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
133G

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[House Bill No. 1364.]

AN ACT

For the relief of Thomas Appleman.

Preamble.

WHEREAS, In 1882 there was sold by the state of Ohio, in pursuance of the statutes of said state, to one Thomas Apple-

man, late of Hardin county, in fee simple, a part of the southeast quarter of section 28, township 20, and range 16, Virginia military lands, containing forty acres; and

WHEREAS, The said Thomas Appleman deposited the first or cash payment, to-wit: The sum of eighty dollars ($80) with the auditor of state, which sum of money was by him paid into the state treasury, to the credit of the sinking fund; and

WHEREAS, The governor was thereafter by decree of the court of common pleas of Richland county, perpetually enjoined from conveying said lands or making a deed therefor, to the said Thomas Appleman; and

WHEREAS, Said Appleman has never obtained any possession of, or title to said lands; and

WHEREAS, No part of the money so paid into the state treasury has been returned to said Appleman; now therefore,

Appropriation for Thomas Appleman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund and not otherwise appropriated, to be paid to the said Thomas Appleman, the sum of eighty dollars ($80), and the auditor of state is hereby directed and required to draw his warrant on the state treasurer, for said sum in favor of said Appleman, which shall be in full payment of said claim.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
134G

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[House Bill No. 1493.]

AN ACT

Supplementary to "An act to authorize certain municipal corporations to construct machine-shops and to issue bonds therefor," passed and took effect October 21st, 1890.

Chillicothe machine-shops:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3 of "An act to authorize certain municipal corporations to construct machine-shops and to issue bonds therefor," passed and took effect October 21st, 1890, be supplemented with sectional numbering as follows:

Council may lease shops.

Sec. 3*a*. That such council is hereby authorized to lease said shops to a railroad company or companies or any other company or companies with or without the grounds upon which the same may be built, upon such terms, conditions and reservations as may by it be determined, or such council may sell or convey said shops to a railroad company or companies or any other company or companies, with or without the grounds upon which the same are built, for such consideration or upon such terms, condi-

tions and reservations as may by it be determined by resolution, not in conflict with the former provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
135G

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[House Bill No. 1531.]

AN ACT

To provide for the appointment of jury commissioners, and the selection of jurors in certain counties.

Jury wheel to be furnished clerk by commissioners in certain counties (Mahoning).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county, containing a city having a population exceeding thirty-three thousand, and less than fifty thousand, according to the federal census for the year eighteen hundred and ninety, and of any county which shall contain a city having such a population according to any subsequent federal census, shall provide and place in the custody of the clerk of such county a wheel, so constructed and arranged, that by turning the same the pieces of paper hereinafter mentioned may be thoroughly mixed, and that the names upon such pieces of paper can not be read or seen until withdrawn from such wheel.

Jury commission.

SECTION 2. In any such county, before the second Monday of April of each year, the judges of the court of common pleas, for the subdivision of the judicial district in which such county is located, or a majority of such judges, shall, in joint session, appoint four judicious freehold electors of said county, no one of whom shall be an attorney at law, and not more than two of whom shall be of the same political party who shall be commissioners of jurors for such county, for one year and until their successors are appointed and qualified, and a record of such appointments shall be made upon the journal of each of said courts. Such commissioners shall, before entering upon the discharge of their duties, appear in said court of common pleas and, before a judge thereof, take an oath of office as follows: "I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of commissioner of jurors without fear or favor, and that I will consent to the selection of no person as juror whom I have been solicited to name as juror, or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as juror, and that I will report to the court the names of any and all persons who, in any manner, seek by request, hint or suggestion to influence me in the selection of jurors. And this I do as I shall answer unto God" (or, "And this I do under the pains and penalties of perjury"). And it shall be the duty of said court, before

Oath.

said commissioners shall enter upon the discharge of their duties, to specifically direct their attention to this act, and to instruct and caution them respecting their duties thereunder. On the second Monday of April in each year such commissioners shall meet in the office of the auditor of such county, at ten o'clock in the forenoon, and shall there select such number of judicious and discreet persons, having the qualifications of electors of such county, as the court may direct, to be selected as nearly as may be from the several wards and townships, in proportion to their respective population; but no person shall be so selected who shall not, in the judgment of all of said commissioners, be competent in every respect to serve as a juror; that after said commissioners shall have first ascertained said wheel to be entirely empty, the names of the persons so selected as aforesaid, shall be written by the county clerk on separate pieces of paper, which shall be put into said wheel and securely locked therein in the presence of said commissioners, and said commissioners shall also, at the same time make and sign a certificate containing all of said names, which they shall certify to be the names of the persons selected at the time and place aforesaid, to serve as jurors for the ensuing year, and that they are the same names as those placed in said wheel, which said certificates shall be filed with said clerk. Said wheel shall be securely locked at all times, except when by order of court, it shall be necessary to put names into it, and to draw them from it in the manner herein provided; and said clerk shall be the custodian of said wheel and key. And if any person shall unlock or open said wheel, except by order of court, he shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined not more than one thousand dollars, nor less than five hundred dollars, and be imprisoned in the county jail not more than one year nor less than three months. If either of the commissioners mentioned in this section of this act shall be sick or absent from the county, the presiding judge of the court of common pleas may appoint some judicious and disinterested person to take the place of such commissioner, in making the selection herein provided for; and the person so appointed shall be of the same political party as the commissioner whose place is to be filled; whenever it shall become necessary, said commissioners shall meet at such time and place as the court of common pleas may appoint, and shall there select such number of persons as the said court may, by its order, direct; and the names of such persons shall be selected, written and deposited in said wheel and certified to, as hereinbefore specified; but nothing herein contained shall abridge the right of any party to a struck jury as provided by law; nor affect the issuance, by order of court, of special venires, as now provided by law.

Selection of jurors.

Certificate of persons so selected.

Custodian of wheel and key.

Duty of court when commissioner is sick or absent.

Meetings of commissioners for selection of jurors.

Struck juries, and special venires.

SECTION 3. Whenever the clerk of any county shall be directed by the order of any court of record therein, or any judge in vacation, to cause any number of persons to be summoned to serve as grand or petit jurors in such court, he shall at once, in the presence of the sheriff, proceed to turn said wheel until said pieces of paper are thoroughly mixed, and

How grand and petit jurors drawn and venire issued.

shall then draw therefrom the number of names specified in such order, and shall forthwith, unless otherwise directed by said court or judge, issue a venire facias to the sheriff, commanding him to summon the jurors whose names were so drawn, to attend as jurors at the time and place specified in said order, and all grand and petit juries shall be impaneled from persons so selected and summoned as aforesaid.

Compensation of commissioners.

SECTION 4. That said commissioners each shall receive for their services herein named, three dollars for each day employed, to be approved and paid on the order of the county auditor; provided, that they shall not be paid for more than ten days' time in any one year.

Influencing commissioners in selection of jurors: penalty, etc.

SECTION 5. Whoever attempts by request, hint or suggestion, to influence such commissioners, or any of them, to select or not to select himself, or any other person or persons as aforesaid, shall be fined not more than one hundred dollars, and be imprisoned in the county jail not more than twenty days. And it shall be the duty of each of said commissioners to report to the said court of common pleas the names of any and all persons who shall attempt as aforesaid, to influence said commissioners, or any of them, in their selection of jurors.

Acceptance of gift by or making gift to commissioner: penalty.

SECTION 6. Any commissioner so appointed who accepts any gift, compensation or favor, or the promise thereof, from any person, firm or corporation having any cause pending in any of the courts of such counties, and any person, firm or corporation, or the officer or agent thereof, who shall make or promise any gift, favor or compensation of any kind to any such commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to the penalties provided by section five (5) of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
136G

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[House Bill No. 1558.]

## AN ACT

To authorize certain villages to construct public improvements and for other purposes and issue bonds therefor.

Certain villages (Tippecanoe City) may issue bonds for general improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any municipal corporation, which by the federal census of 1890, had, and those which by any subsequent census may have a population of one thousand four hundred and sixty-three, is hereby authorized to contract for and construct, within the corporate limits of said municipal corporation, public improvements and purchase real estate therefor, and for that and other purposes to issue

bonds to the amount of twenty-five thousand dollars, in such denominations and payable at such times as such council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporate seal of such corporation, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi-annually from the date thereof.

Bonds: how sold, etc.

SECTION 2. That any such corporation may negotiate such bonds for cash, or it may deliver the same in payment for such real estate or for the construction of such improvements; but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded, until the contractor shall enter into bonds to said corporation, in double the amount of such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

Council may lease or sell improvements.

SECTION 3. That such council is hereby authorized to lease said public improvements, with or without the grounds, upon which the same may be built, or to be built, for such terms, conditions and reservations as may by it be determined by resolution, or such council may sell and convey said improvements with or without the ground upon which the same are built or contracted to be built for such consideration, and upon such terms, conditions and reservations as may by it be determined by resolution.

Question to be submitted to vote.

SECTION 4. That the powers herein conferred shall in no case be exercised by such council until thereto authorized by a vote of the qualified electors of such municipal corporation, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such corporation, upon the passage by such council of a resolution for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such corporation, at least ten days prior to the holding of such election. Such election shall be held at the usual place of holding elections, and by the officers authorized to preside at elections in such municipal corporation, and at the same time there shall be elected a commission of seven members who shall be resident freeholders in said municipal corporation, and not members of council, the two receiving the least number of votes shall serve, one year, the two receiving the next higher number of votes shall serve for two years, and the three receiving the highest number of votes shall serve three years, and thereafter two members of said board shall be chosen each year to serve three years, and each third year three shall be chosen for three years at the regular election held in said corporation, and said members of said board shall receive no salary for their services on said board. The poll-books and tally-sheets of such election shall forthwith be returned to the clerk of such municipal corporation, who with the mayor of said corporation shall at the next regular meeting of the council of such municipal corporation, proceed to canvass such vote, and the clerk shall enter the number of votes cast for and against said proposition in such municipal cor-

Election of improvement commissioners, etc.

poration, as well as the votes for members of said board of commission, and announce the result, and if it shall appear that two-thirds of all the voters voting at such election upon said proposition shall have voted in favor of such proposition, such council shall be authorized to exercise the powers conferred by this act; and if two-thirds of such electors so voting shall not have voted in favor of such proposition such council shall not exercise the powers conferred by this act. The ballots to be voted at such general or special election shall have written or printed thereon the words, "Public improvements—Yes;" or "Public improvements—No."

When resolution shall take effect.

SECTION 5. That the resolution of such council herein provided for shall forthwith be entered by the clerk of such municipal corporation, upon the ordinance book of such municipal corporation, and shall take effect upon the passage, without publication any provisions of the law to the contrary notwithstanding.

Contracts, etc.

SECTION 6. That all contracts, agreements, or conveyances authorized by this act, shall be recommended to the council of such corporation in writing signed by not less than four of said members of said board of commission, and be submitted to and approved by said council, whereupon such contract, agreements or conveyances shall be signed by the mayor, countersigned by the clerk, and attested by the seal of such corporation and the council of such municipal corporation shall thereupon levy such tax upon the taxable property in such municipal corporation, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

Levy of tax.

SECTION 7. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
137G

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[House Bill No. 1554.]

AN ACT

To authorize the council of any incorporated village having a population at the federal census of 1880 of 1,136, to issue bonds for the purpose of general improvement of said village.

Certain villages (Carrollton) may issue bonds for improvement purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village having at the last federal census, a population of 1,136, are hereby authorized to borrow not to exceed five thousand dollars ($5,000), to be applied to the general improvement of said village.

Bonds.

SECTION 2. That for the purpose of meeting the expenses aforesaid, the said council of such incorporated village

are authorized to issue bonds to be signed by the mayor and attested by the clerk of said village, in denominations of such amounts as the council of such village may deem best, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof as said council may determine, which said bonds shall not be sold for less than their par value.

Levy of tax.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said council is hereby authorized and empowered to levy on all the taxable property in said village, a tax in addition to the other taxes authorized to be levied or hereafter to be levied until such payment is fully made.

Question to be submitted to vote.

SECTION 4. Provided, however, that before said bonds can be issued or sold the council of such village shall submit the question of issuing said bonds to the qualified electors of said village at a regular or special election, by giving ten days' notice thereof in at least five conspicuous places by posting within the limits of said village. The tickets voted at said election shall have written or printed thereon, "Bonds for village improvement—Yes" or "Bonds for village improvement—No." If the proposition to issue bonds be approved by a vote of two-thirds of all those voting on the said proposition, such village council shall have authority to issue such bonds for the purposes provided in this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
138G

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[House Bill No. 1633.]

AN ACT

To authorize any village, which, by the federal census of one thousand eight hundred and ninety had, and which by any subsequent federal census may have a population of not less than five thousand five hundred and not more than 5,550, to issue bonds and levy a tax for the purpose of providing any such village with a system of public water-works.

Certain villages (Van Wert) authorized to issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village, which by the census of one thousand eight hundred and ninety had or which by any subsequent federal census may have a population of five thousand five hundred, and not more than 5,550, be and the same hereby is authorized to issue the bonds of said village, in any aggregate sum not exceeding one hundred and thirty-five thousand dollars, bearing interest at a rate not exceeding five per cent. per annum from the date of issue (said interest

payable semi-annually) for the purpose of providing said village with a system of public water-works.

Bonds.

SECTION 2. The bonds shall be signed by the mayor of said village, and countersigned by the clerk thereof and shall not be sold for less than their par value, and shall be issued at such times and in such amounts and mature at such date as the council of said village shall determine by ordinance; and said village council is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest thereon when the same shall become due.

Levy of tax.

How funds shall be used.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of any such village for the purpose of purchasing the necessary ground and constructing and paying for and maintaining water-works for said village, which water-works when completed, shall be used, operated, and controlled in such manner as may be prescribed by law and the ordinances of said village enacted in conformity herewith.

Trustees of water-works.

SECTION 4. The mayor of any such village is authorized and required to nominate four persons, citizens of any such village, of well known and recognized ability, to act as water-works trustees not more than two of whom shall belong to the same political party. They shall be nominated, one for one year; one for two years; one for three years; one for four years. The nomination shall be made subject to approval by the council at a regular meeting. The mayor of any such village shall be ex-officio a member and president of such board. The term of service shall date from the time of appointment, and in case of vacancy the appointment shall be for the unexpired term.

Issue of bonds, etc., under former act legalized.

SECTION 5. That any such village that has heretofore, under any special act or legislation, and by ordinance, issued its water-works bonds in a sum not exceeding the amount of one hundred and thirty-five thousand dollars, for the construction, establishment and maintenance of water-works, as it is in this act provided it may now do, and has under any such special legislation and ordinance, advertised for and received bids for the construction of said water-works, and advertised for and received bids for its said water-works bonds, or sold any part thereof, and has through its mayor and council appointed and constituted a board of water-works trustees, under any such legislation, as it is in this act provided that it may do, or done any other act, under and by virtue of any such special legislation and ordinances, pertaining to the construction of water-works, as it is in this act provided that they may now do, said ordinances, and all said acts of the said village council and said board of trustees, shall be held as legal and binding and said board of water-works trustees, held to be as legally appointed and constituted, as if the power to said village and corporation to so act and legislate had been expressly enumerated in the general corporation act now in force; and any such village is by this act expressly granted and given the power to sell its bonds and complete all contracts, make new contracts for the completion and construction of said water-works the same as

if said power had been expressly granted by the general municipal enactments of the state.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
139G

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[ Senate Bill No. 465. ]

## AN ACT

To supplement an act passed April 15, 1890 (O. L., 87, p. 201), entitled "An act supplementary to section 2293 of the Revised Statutes of Ohio, to authorize villages in certain instances to make street improvements and issue bonds to defray portions of expenses thereof."

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2293 of the Revised Statutes of Ohio, with sectional numbering, as herein provided:

Streets in certain cities (Cincinnati) may be improved with boulders.

Sec. 2293*e*. In cities of the first grade of the first class, the board of city affairs of any such city, or their successors in office, shall have authority to cause any of the roads or public highways of said city to be improved with boulders according to grade and profile established or to be adopted by the engineer of said city, and the method of procedure in such cases shall be as follows:

Improvements to be made under certain act.

FIRST. The provisions contained in paragraphs 1, 2, 3, 4, 5 and 6 of said section 2293*a*, as enacted April 25, 1885, shall apply to improvements under this act, and be the mode of procedure hereunder; provided, that all the powers conferred upon and to be exercised by the board of public works, under said section 2293*a*, shall be conferred upon and exercised by the board of city affairs of such city hereunder.

Cost to be borne by city.

SECOND. The cost of said improvement shall be borne by and paid by the city at large, upon the order of the board of city affairs out of the fund herein provided for such improvements.

Issue of bonds.

THIRD. In order to provide a fund for carrying on said improvement and paying the cost thereof, by the city at large, it shall be lawful for said board of city affairs of such city, or their successors in office, to issue bonds in the name of such city, and under the corporate seal thereof, not to exceed the sum of one hundred and fifty thousand dollars; said bonds shall be made payable in not less than ten years and not more than twenty years from the date of their issue, and bear interest at a rate not exceeding four per cent. per annum; said bonds shall be signed by the president of said board, and attested by the city comptroller, and shall be secured by the pledge of the faith of the city, and a tax, which it shall be the duty of the council of said city, annually, to levy upon all

Levy of tax.

the taxable property of said city, and certify the same to the county auditor, upon a certificate to that effect from the said board of city affairs, or their successors, or the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now authorized to be levied for municipal purposes.

Sale of bonds, etc.

FOURTH. Said board of city affairs shall receive bids for said bonds, after advertising the same for sale, once a week for four consecutive weeks, on the same day of the week, in some newspaper of general circulation in said city, and shall sell the same for not less than the par value thereof, with accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called "boulder pavement fund," and a careful account of the condition of said fund shall be separately kept by the comptroller of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
140G

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[Senate Bill No. 513.]

AN ACT

To create a depositary commission in cities having at the federal census of 1880, or that by any subsequent federal census may have a population of not less than 7,875 nor more than 7,885, and to establish a depositary for the school funds of such cities.

Depositary established in certain cities (Tiffin).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the money belonging to each city having at the federal census of 1880, or that by any subsequent federal census may have, a population of not less than 7,875 nor more than 7,885, and also the school district in which such city is situated, shall be deposited by the treasurer of the city and school funds, as hereinafter provided, in a bank situated within the boundaries of the city and duly incorporated under the laws of this state or of the United States, to be designated in the manner hereinafter provided, as the depositary for such money, by a commission composed of the mayor, president of the board of education and the president of the council, and their successors in office, and to be known as the depositary commission of such city.

Depositary commission.

SECTION 2. The officers designated in the preceding section as constituting such depositary commission shall serve as members thereof, and the commission shall be provided with necessary books and stationery at the expense of the city; and the mayor shall be president, and the president of the council shall be secretary of the commission. The com-

mission shall hold meetings on the first business day of each month, and whenever called to meet by the president for a special purpose at the council chamber of the city, shall keep a record of its proceedings and file all official papers received by it, which record and papers shall be open to public inspection; and a transcript of any entry in such record, or a copy of any such paper, duly certified as such by the president and secretary, shall be received as evidence in any of the courts in this state.

Proposals.

SECTION 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in one newspaper printed and of general circulation in the city and district, for two consecutive weeks, a notice which shall state the amount of the undertaking to be required, and also invite sealed proposals from all banks coming within the provisions of section 1, which proposals shall stipulate the rate of interest, and it shall not be less than two per centum they will pay, respectively, for the use of the money aforesaid; and such proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case its proposals be accepted, and such proposals shall be filed with the president of the commission by twelve o'clock, noon, on the Monday named in the next section, and shall not be withdrawn or altered.

Award of contract, etc.

SECTION 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals and shall award the use of such money to the bank offering the highest rate of interest therefor; but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; or if the commission have reason to believe there is collusion between the banks as to the rate of interest to be paid for the funds thus advertised to be placed in a city depositary, or if there be no bids, the commission may advertise from time to time until satisfactory bids as aforesaid are received.

Bond.

SECTION 5. No such award shall be binding until there is executed by the bank and accepted by the commission, a good and sufficient undertaking, payable to the city, in a sum not less than one hundred thousand dollars, to be recovered in the name of the depositary commission, for the use of the city and school district. Such undertaking shall be signed by not less than six resident freeholders of the county as sureties not more than four-sixths of whom shall be stockholders in the bank, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and it shall be further conditioned

for the faithful performance by the bank of all the duties imposed by this act or by law upon the depositary of such money, and the sureties shall be liable on such undertaking for any default or breach of such undertaking even though such bank is incapable to make itself liable therefor.

City solicitor must approve bond.

SECTION 6. The undertaking provided for above shall not be accepted by the commission until it has been submitted to the city solicitor and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be indorsed on the undertaking by the city solicitor, and the same shall be recorded in full by the commission in its record, and if the bank to which an award is made as aforesaid fails to execute the undertaking required hereby, to the acceptance of the commission, within five days after the award is made, it shall forfeit and pay to such commission $500.00, to be recovered in a civil action by such commission and the commission, may award the use of the money to any other bank the written proposal of which offers the same rate of interest therefor as is designated in the proposal of such defaulting bank; but not a less rate than is provided for in section 3 of this act, or the commission may, in case of default as aforesaid, reject any or all bids and advertise for others in the manner aforesaid; and in case of any award after such default the bank to which the award is made shall execute an undertaking as aforesaid to the acceptance of the commission.

When bank becomes depositary.

SECTION 7. The bank to which an award is made shall upon the acceptance of such undertaking by the commissioners become the depositary of the money aforesaid until the undertaking of its successor is accepted by the commission, and the funds in its possession duly paid over as herein provided; but the commission may require additional security from the bank, at any time it deems the same necessary, in such sum as it shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, the removal of the money therefrom forthwith may be ordered by the commission. The order for such removal, or for any removal under the provisions of this act, shall be entered in the record of proceedings of the commission; and a copy thereof duly certified as such by the president and secretary of the commission shall be transmitted to the city council, and a like copy to the board of education of the school district, and thereupon the city clerk shall issue his warrant for the withdrawal of the money of the city and school district from the depositary, and thereupon the city treasurer, as such, and as treasurer of the school funds, shall issue checks accordingly for the removal; the money shall be disposed of as provided in section nine.

Interest-bearing bonds may be accepted as security.

SECTION 8. The commission may, in lieu of the undertaking provided for by preceding sections, accept as security, for money deposited as aforesaid, interest-bearing bonds of the city or school district, or of the county within which the depositary is located, or United States bonds, the face value of which shall not be less than the sum specified in section five, as the amount to be named in the undertaking in lieu of which

such bonds are accepted; or the commission may accept such bonds in lieu of such undertaking in full or in part; and in case of such acceptance as partial security the commission shall require an undertaking for the remainder of the full amount of the security specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the city and of the school district, in the event of any default on the part of the bank in its capacity as depositary as aforesaid to the extent of making good any default and that its negotiation or release by the commission shall require the signature of each member thereof. The commission shall make ample provision for the safe-keeping of such bond or hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

Treasurer to continue as custodian of funds if depositary not secured.

SECTION 9. If at any time, for any cause, the commission be unable to secure a depositary as provided by preceding sections, the money shall remain in the custody of the treasurer of such city and school district aforesaid, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be transferred to such treasurer in the manner provided in section seven for removals, and in either case such treasurer shall be custodian as aforesaid until such time as a depositary is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the city clerk, which in such case shall not be in duplicate; but he shall keep such books and make such statements of receipts and payments, as city treasurer and treasurer of the school funds, as are required by this act when the money is in the custody of a depositary, except that such books and statements shall show that the money is in his custody instead of being in the custody of a depositary.

Where money deposited, and by whom paid out.

SECTION 10. It shall be the duty of every board, officer, agent, and employe of each city and of the board of education thereof, within the provision of this act, having money in their hands belonging to the city or the school district to deposit such money with the city treasurer or treasurer of the board of education as the case may be, upon the taking effect of this act; and thereafter such boards, officers, agents and employes as receive money on account of the city or school district shall deposit with the treasurers aforesaid, as the case may be, daily all moneys so received by them, and no person or employe of the city or board of education or officer thereof shall pay out any public money for any purpose except such as is paid out by the city or school treasurer under the provisions of this act.

Money to be deposited daily and to bear interest.

SECTION 11. The treasurer of such city and board of education aforesaid shall, upon the receipt of a written notice, signed by the president and secretary of the commission, stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank selected, deposit in

such depositary all the money in his custody belonging to the city and to the school district, respectively, and thereafter he shall, at the close of each business day, deposit therein his total receipts for the day. All money so deposited shall bear interest at the rate specified in the proposal of the bank selected as a depositary, to be computed on daily balances; and on the first business day of March and the first business day of September of each year, and at any time the accounts are closed, the depositary shall place such interest on the money of the city and school district to the credit of the city and school district, and the treasurer shall, in writing, notify the city clerk of the amount so credited to the city and school district, which shall be credited by the clerk to the several city funds, including the school fund, in proportion to the total amount of each deposited; provided, said commission may require that the interest due the city be credited to one certain fund, and that that due the school district be credited to one certain fund.

City clerk to be notified daily of amount with depositary, etc.

SECTION 12. The depositary shall, in writing, notify the city clerk before noon of each business day of the amount of deposits to the credit of the city and school fund, respectively, made by the treasurer the preceding business day; and the depositary shall pay out money deposited under the provisions of this act only on the checks of the city treasurer or treasurer of the board of education, drawn on the proper fund, and no such check shall be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the city clerk, authorizing the payment of the sum specified in the check. All such warrants and orders shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," and shall be filed and kept in the office of the treasurer to whom it is issued, and the other shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of such treasurer, and the depositary shall keep its account in two funds, one called "the city fund" and one "the school fund," and the checks drawn on the depositary shall designate from which fund they are payable, and the moneys deposited shall be credited to the fund to which they belong.

Drawing of warrants, etc.

Semi-monthly reports to be made by treasurer, etc.

SECTION 13. On the second and fourth Saturday of each month the city treasurer, both as such and as treasurer of the board of education, shall make to the city clerk a sworn statement of the total amount of money received by him in said capacities respectively, the total amount deposited in the depositary in each capacity, the total amount of checks issued on the depositary in each capacity, and the balance in the depositary to the credit of each fund, and he shall keep such books as shall enable him to make such statements. All money paid to the city treasurer, both as such [and] as treasurer of the school funds, except the collection of taxes placed upon the duplicate by the county auditor, shall be paid upon the order or draft of the city clerk, and receipts given therefor shall be in duplicate, one of which shall have printed upon its face the word "original," and the other the word "duplicate." The duplicates of receipts for money be-

longing to the city, or school fund, shall be filed with the city clerk, and each duplicate shall be so filed on the day of its date; and each receipt and duplicate shall state the amount received, from whom received, and to what fund or funds the same is to be applied.

Certain pay-rolls must be paid in cash, etc.

SECTION 14. The monthly pay-rolls of the police, fire and street departments, and of the trustees of gas-works of the city, and the monthly pay-rolls of the board of education of the school district, shall be paid in cash; and to provide money for such payments the city clerk, upon the receipt of an order and a pay-roll specifying the amount and to whom such payments are due, from the clerk of the board of education, or trustees of gas-works, countersigned by the president of the board, shall issue an order upon the proper treasurer for an amount equal to such pay-roll, which order and pay-roll shall be by the clerk of the city delivered to the treasurer, who shall draw his check upon the depositary, if the moneys of the city and school fund are in the depositary, and if in the city or school treasury, in either case he shall pay the persons to whom such several amounts are due, taking their receipts therefor upon such pay-roll. And for the pay-rolls of the city departments specified in this section, except trustees of gas-works, the clerk of the city shall, after approval by ordinance by the city council, issue his order upon the treasurer, and with delivery of such order to the treasurer, shall be a complete pay-roll of each of the aforesaid departments, specifying the person to whom and the amount to be paid; and the treasurer, upon receipt of the order and pay-roll, shall draw his check upon the city depositary, if the money of the city is in a depositary, and if in the city treasury he shall, in either case, pay said several amounts, taking the receipt of the person to whom such payments are due upon the pay-roll furnished the treasurer by the city clerk; but all other payments made by the treasurer of the city or school fund shall be by separate orders, and shall be drawn on the proper designated fund in favor of the person to whom the amounts specified therein, respectively, are due, or in favor of their assigns. And each and every order drawn by the city clerk shall be in duplicate, the original being delivered to the party to whom the payment is made, and the duplicate, a stub from which the original has been detached, kept in a book provided by the city for such original and duplicate orders, and on file in the office of the city clerk. All checks on the depositary shall be indorsed by the person named therein as payee.

Books to be kept by city clerk.

SECTION 15. The city clerk shall keep in his office books in which shall be entered the receipts of the city and school treasurer's office daily to the credit of the city and school fund, respectively, as shown by the duplicate receipts returned to him by the treasurer, the amount of deposits by the treasurer daily with the depositary to the credit of the city and school fund, respectively, as shown by the statements of the depositary, the daily aggregate amount of all warrants issued by him, and the balance at the close of each business day to the credit of the city and school fund in the hands of the de-

positary. And upon receipt by the city clerk of the sworn statement provided for by section thirteen, he shall certify thereon to the correctness of the same, if, upon comparison with his books, he finds the same to be correct, and shall file such statement in his office. If any such sworn statement be found incorrect he shall forthwith give notice of such fact to the treasurer, and unless the discrepancy be discovered and corrected immediately he shall forthwith notify the depositary commission thereof.

Daily balances, etc.

SECTION 16. The city clerk shall keep in his office books which shall show the balance daily to the credit of each fund of the city department and school district, and shall issue no order payable from any such fund unless there is money belonging thereto for the payment of the order in full; and on the first business day of each month he shall prepare, and submit to the depositary commission, a sworn statement for the preceding month, showing the total amount of money received into and paid out of each fund respectively, the balance to the credit of each, and also the total balance of money to the credit of the city and the school district, respectively, in the custody of the depositary, which statements shall be placed on file by the commission; and a copy of the statement made by the city clerk, duly certified as such by the commission, shall be transmitted to the board of councilmen of the city, and a like copy of the statement shall be transmitted to trustees of gas-works and to the board of education of the school district, and each shall be read in open session at the next meeting of the board to which it is transmitted. On the day aforesaid some officer of the bank acting as the city depositary shall file with the depositary commission all checks of the city treasurer and treasurer of the school fund paid and redeemed by the bank during the previous month, and the commission shall compare such checks with the records of the city clerk's office, and if they be found to correspond, the commission shall give the bank a receipt for the same, and they shall forthwith cancel and file such checks in the office of the city clerk.

Monthly statements to be made by city clerk.

When city clerk shall issue his warrants.

SECTION 17. Upon the passage by the common council of any city contemplated by this act of the aforesaid ordinance, duly approved, providing for the payment of obligations of the city, the city clerk shall issue his warrants, subject to the provisions of sections 14 and 16 for the payment of such obligations, respectively.

Liability of treasurer, etc.

SECTION 18. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of the treasurer of the city or his sureties; provided, such treasurers of cities or school funds shall not be held liable for the loss of any money deposited as aforesaid while it is in the custody of the depositary, and notwithstanding any provision of law to the contrary, said commission shall have the right to and shall fix the compensation of the treasurer of the city and school funds, which shall be paid on the order and allowance of such commission out of the city treasury in monthly installments.

City treasurer to be ex-officio treasurer of the school funds.

SECTION 19. In each city within the provisions of this act the city treasurer shall also be ex-officio the treasurer of the school funds of the city, and the present treasurer of such school funds shall pay over to him all funds in his hands, and such office shall then cease, to be occupied or held, except as provided in this act but the board of education shall require such new treasurer to give bond in such sum as they may fix, conditional according to law, before such funds shall be paid over to him, such bond to be approved by the board of education.

Penalties.

SECTION 20. An officer, agent or employe of any city contemplated by this act, or any officer of the board of education of any such school district or such depositary, who willfully violates any provision of this act, or willfully neglects or refuses to perform any duty imposed upon him by this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, for the use of the city, if he be an officer, agent or employe of the city, and for the use of the school district if he be an officer, agent or employe of the board of education thereof, or if an officer of such depositary, then for the city and school district, or be imprisoned in the jail of the county not less than six months nor more than one year, or both, at the discretion of the court, and shall stand committed until the fine and costs are paid.

Depositary commissioners to act with county commissioners in certain cases.

SECTION 21. That when such city treasurer is by law also county treasurer of the county in which such city is located, said commission shall with the county commissioners together make and conduct all examinations of the county treasury, together with that portion also relating to the city and school funds, the same as is now or may be authorized or required by law to be made by the county commissioners, but the foregoing shall not preclude the making of any other examinations provided by law, and said commission may at any time, make any such additional examination concerning the said city and school funds, that they may deem necessary, and where the money in the county treasury belonging to the county, city and school district aforesaid is commingled, each shall be deemed and held to be entitled to such portion thereof as the cash balances on the books of the treasurer of the county, city and school fund, less any amount to the credit of either in any depositary, bear to each other.

Former laws superseded, etc.

SECTION 22. This act shall take effect and be in force from and after its passage; and as to such cities and school districts this act shall supersede so much of any law, as may be in conflict herewith.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
141G

[Senate Bill No. 514.]

AN ACT

To provide a county depositary in certain counties.

Depositary created in certain counties (Seneca).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county of this state, having at the federal census of 1880, or that by any subsequent federal census may have a population of not less than 36,945, nor more than 36,949, it shall be the duty of the county commissioners to designate, in the manner hereinafter provided, a bank situated at the county seat, and duly incorporated under the laws of this state or of the United States, as a depositary of the money of the county, and all moneys paid over to the depositary by the county treasurer as such treasurer shall be deemed and held to be the money of the county until the same is distributed and actually paid out according to law.

Proposals to be invited.

SECTION 2. The county commissioners shall, on the taking effect of this act, and thereafter biennially, publish, in one newspaper published and of general circulation in the county, for two consecutive weeks, a notice which, stating the amount of the undertaking to be required, shall invite sealed proposals from all banks coming within the provisions of the preceding section naming the amount of the undertaking to be required, which proposals shall stipulate the rate of interest and not less than two per centum, that will be paid for the use of the money of the county, as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank, filing the same in case the proposal be accepted, and such proposals shall be filed with the auditor by the time fixed for opening the same in the next section, and shall not be withdrawn or altered.

Award of contract.

SECTION 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may reject all proposals and advertise for others in the same manner aforesaid.

Bank must give bond.

SECTION 4. No such award shall be binding on any such county, nor shall any of the money of the county as herein defined be deposited thereunder, until the hypothecation of the bonds provided for in section seven, or until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the board of county commissioners for the use of the county, in such sum as the commissioners may direct, which, in counties within the provisions of this act, shall not be less than two hundred thousand dollars, and such undertaking shall be signed by not less than ten resident freeholders as sureties, not more than six of whom shall be stockholders in the bank, to the satisfaction

of the commissioners, and conditioned for the receipt, safekeeping and payment over, as provided herein, of all money which may come into its custody under and by virtue of this act, and under and by the award of the commissioners, together with the interest thereon, at the rate specified in the proposals; and the undertaking shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of the money of the county, and the sureties on such undertaking shall be liable for any default or breach thereof, even though such bank has not power to bind itself thereby.

Bond must be approved by prosecuting attorney, etc.

SECTION 5. Such undertaking shall not be accepted by the commissioners until it has been submitted to the prosecuting attorney, and certified by him to be in due and legal form and conformable to the provisions of this act, which certificate shall be indorsed thereon by the prosecuting attorney, and if any bank to which an award is made as aforesaid fail to execute an undertaking as required hereby to the acceptance of the commissioners, or fail to hypothecate the bonds as provided in section seven, within five days from the time the award is made, shall forfeit $500.00, to be recovered in a civil action in the name of the commissioners, for the use of the county. The commissioners may award the use of the money to any other bank whose written proposal offers the same rate of interest therefor as designated in the proposal of such defaulting bank, the undertaking or hypothecation of bonds required to be executed in either case; or the commissioners may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid, and all undertakings shall be entered at large in the commissioners' record, and also all their proceedings under this act.

When bank becomes depositary.

SECTION 6. The bank to which an award is made shall, upon the acceptance by the commissioners of the undertaking provided for herein, become the depositary of the money of the county, as defined in section one of this act, and remain such until the undertaking of its successor is accepted by the commissioners, and the funds in its possession duly paid over as herein provided; but the commissioners may, at any time they deem the same necessary, require additional security from the bank, in such sum as they shall designate; and if the bank refuses or neglects, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom forthwith. Such removal, and all other removals under the provisions of this act, shall be made upon the written order of the commissioners; and the county auditor shall, upon the receipt of such order, issue his warrant, and the county treasurer his check for the removal, and the money shall be disposed of as provided in section eight.

Interest-bearing bonds may be accepted as security.

SECTION 7. The commissioners of any such county may, in lieu of the undertaking provided for by preceding sections, accept as security for money deposits as aforesaid interest-bearing bonds of the county, or the city in which the depositary is located, or bonds of the United States, the face value of which shall not be less than the sum specified in section four

as the amount to be named in the undertaking in lieu of which such bonds are accepted; or they may accept such bonds as partial security, to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the county in case of any default on the part of the bank in its capacity as depositary as aforesaid, to the extent of such default, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provisions for the safe-keeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

Treasurer to continue as custodian of funds if depositary not secured.

SECTION 8. If at any time, for any cause, the commissioners be unable to secure a depositary as provided by preceding sections, the money of the county shall remain in the custody of the county treasurer, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be removed to the county treasury, in the manner provided in section six for the removals, and in either case the treasurer shall be the custodian thereof until such time as a depositary is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the auditor, which in such case shall not be in duplicate; and during such time he shall keep such books, and make to the auditor such statements of receipts and payments, as are required in case the money of the county is in the custody of a depositary designated by the commissioners, except that they shall show that such money is in the custody of the treasurer instead of such depositary.

When treasurer shall place money with depositary, etc.

SECTION 9. The treasurer shall upon the receipt of a written notice from the commissioners stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank selected as such depositary, deposit, to the credit of the county, all money in his possession as county treasurer, except as provided in section fourteen in the bank constituted the depositary as aforesaid, and thereafter he shall, before noon of each business day, deposit in such depositary all money received by him the preceding business day, except as provided in section fourteen, hereof, and such money so deposited shall be payable only on the check of the treasurer, which check shall not be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the county auditor authorizing the payment of the sum for which the check is drawn, and such checks shall be indorsed by the person named therein as payee. All warrants issued by the auditor upon the treasurer for the payment of money (except as provided in section fourteen, and also when the

Drawing of warrants by auditor.

money of the county is in the custody of the treasurer), shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original" which shall be filed and kept by the treasurer in his office, and the other of which shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of the treasurer. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provisions of section eleven hundred and eight of the Revised Statutes; but when any fund is exhausted, and the commissioners are satisfied that, of the undivided money on hand received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is in amount such that a part of it may judiciously be assigned to such exhausted fund in advance of such distribution, they may make an order and the same shall be made, a matter of record in the proceedings of the board of commissioners, directing such assignment, and the commissioners may cause other transfers to be made as provided by law, and the auditor shall notify the treasurer of such assignment or transfer in writing. All money deposited with the depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first business day of March and the first business day of September each year, or at any time when the account may be closed. The depositary shall notify the auditor, in writing, before noon of each business day, of the amount of deposits made by the treasurer, for the preceding business day, and when the interest is credited to the county the depositary shall notify the auditor and treasurer, in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

Money with depositary must bear interest.

SECTION 10. The treasurer shall make to the auditor a sworn statement on the second and fourth Saturday of each month, showing the total amount of money received by him, the total amount deposited in the depositary, the total amount paid by check on the depositary, the total amount paid out in cash, the balance in the depositary, and the balance in the treasury; and he shall keep such accounts, in books to be provided for that purpose, as shall enable him to make such statements. All money paid to the county treasurer, except for taxes and except also money received from the state treasury shall be upon the order of the auditor, and the treasurer shall give receipts therefor, each of which shall be made and signed in duplicate, one of which shall have printed across its face the word "original," and the other the word "duplicate," and each duplicate shall be filed with the auditor on the day of its date; and each such receipt shall show the amount received, from whom received, and on what account, and shall state the fund to which the money is to be applied; provided, that in case of money received by the treasurer from the state treasury, the triplicate

Semi-monthly statements to be made by treasurer.

How money paid to treasurer.

warrant required by section ten hundred and eighty-five of the Revised Statutes to be transmitted to the auditor by the auditor of state shall take the place of the duplicate receipt above provided for, and the treasurer shall not give receipts for taxes in duplicate, but in lieu thereof shall, at the close of each business day file with the auditor a statement of the amount of money received by him for taxes and penalties during the day.

Books to be kept by auditor.

SECTION 11. The auditor shall keep in his office books in which shall be entered the daily receipts of the treasurer's office, as shown by the duplicate receipts returned to him by the treasurer, and by the statements of money received for taxes and the triplicate warrants mentioned in the preceding section, the amount of the deposits made by the treasurer each day in the depositary, as shown by the daily statements of the depositary to the auditor, and the amounts remaining in the treasurer's hands in pursuance of section fourteen, or when the treasurer is custodian of all the money, as shown by the treasurer's daily statements received by him; and in such books the money received by the treasurer from taxes of all kinds shall be shown in an account entitled the "undivided tax account," and all other receipts by him shall be shown in accounts indicating the respective funds to which the money belongs. He shall enter in such books also the amount of warrants issued by him each day to the treasurer; and the accounts in such books shall be so kept as to show the balance of each fund, the balance of undivided money received for taxes, and the balance of the money received from the state treasury, and on account of school lands, each day, in his hands and in the hands of the depositary respectively.

Daily comparison of accounts.

SECTION 12. Upon the receipt each day by the auditor of the sworn statement provided for in section ten, he shall certify thereon to its correctness, if, upon comparison, with his books, it be found to be correct, and shall file such statement in his office; but if any such statement be found by the auditor at any time to be incorrect he shall forthwith give notice thereof to the treasurer, and unless the discrepancy be immediately discovered and corrected, he shall notify the commissioners thereof without delay.

Treasurer must make payments with checks, etc.

SECTION 13. Except as provided in sections eight and fourteen, the treasurer shall not pay out any money otherwise than by check on the depositary, as provided in section nine. But before he issues a check in payment of any draft made upon him by the auditor of state in favor of the treasurer of state, he shall exhibit such draft to the county auditor, and file with him a certified copy thereof, and the auditor shall thereupon issue his warrant authorizing the treasurer to issue his check for the amount specified in the draft; and before he remits to the treasurer of state any money on account of school lands he shall notify the auditor in writing of his readiness to do so, and of the amount, and the auditor shall file such notice, and issue his warrant authorizing the treasurer to draw his check upon the depositary for the amount; but if the money for such payment be in the custody of the treasurer instead of a depositary, the same proceedings shall

be had, except that the warrants of the auditor shall authorize the payments otherwise than by such checks.

Balance of cash which may be retained by treasurer.

SECTION 14. The treasurer shall pay in cash warrants issued by the auditor for the payment of fees of jurors and witnesses, and also warrants so issued payable from the soldiers' relief fund, and he may retain in his hands from day to day a sufficient amount of the receipts of his office to enable him to do so, but the balance of money so withheld from deposit shall at no time be in excess of five thousand dollars; and warrants issued for the purposes aforesaid shall not be in duplicate; but if at any time the money so retained by the treasurer is entirely paid out, and the current receipts of his office are insufficient to pay such warrants, the auditor, if so authorized by the commissioners, shall issue his warrant to the treasurer authorizing him to draw his check upon the depositary for the amount specified therein, which shall not be in excess of five thousand dollars, to pay such warrants.

Monthly statements to be made by auditor.

SECTION 15. On the first business day of each month the auditor shall prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, and the balance remaining to the credit of each, and also to the balance of money in the depositary, the balance in the treasury in pursuance of section fourteen; and, if the money of the county be in the custody of the treasurer instead of a depositary the total balance thereof in the treasury, as shown by the reports filed with him, and the commissioners shall place such statement on file, and forthwith post a duly certified copy thereof in the auditor's office, to remain so posted at least thirty days for the inspection of the public. On the day aforesaid, some officer of the bank acting as the county depositary, shall file with the county commissioners all checks of the county paid and redeemed by the bank during the previous month; and the commissioners shall compare such checks with the records of the auditor's office, and if they find the same to correspond therewith, they shall give the bank a receipt for the same, and shall forthwith cancel and file such checks in the office of the county auditor, who shall receipt to the county treasurer for the same, as is provided in section one thousand one hundred and eleven of the Revised Statutes.

Monthly comparison of accounts.

Liability of treasurer.

SECTION 16. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of treasurers of counties or his sureties covered by its provisions, except that they shall not be held liable for any loss of money deposited by them in depositaries as provided for herein while such money is in the custody of such depositaries.

Penalties.

SECTION 17. An officer of any such county who willfully violates any provisions of this act, or willfully neglects or refuses to perform any duty thereby imposed upon him, shall, upon conviction thereof in the court of common pleas, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the jail of the county not less than three

months nor more than one year or both at the discretion of the court.

Former laws superseded, etc.

SECTION 18. This act shall take effect and be in force from and after its passage, and as to such counties, this act shall supersede so much of any law, as may be in conflict herewith.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
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[Senate Bill No. 456.]

AN ACT

Supplementary to and amendatory of title 12 of the Revised Statutes of Ohio.

Municipal code for cities of the first grade, first class (Cincinnati).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1655, 1708, 1709, 1718, 1765 and 2096 of title 12, of the Revised Statutes of Ohio, be and the same are hereby severally supplemented, and that sections 2205, 2206, 2207 and 2231, as amended March 13, 1890, and 2436 of said title, be and the same are hereby severally amended, as follows:

Board of legislation: how constituted and elected.

Sec. 1655*a*. In cities of the first grade of the first class, the legislative power and authority shall be vested in a board of legislation. On the election and qualification of the board of legislation in such cities, as herein provided, the board of council therein is hereby abolished. The board of legislation shall consist of as many members as there are wards in any such city composed of one member from each ward of such city, to be chosen at the annual municipal election by the qualified electors thereof, for a term of two years; provided, however, that at the first election held under the provisions of this act the members of said board representing the even wards of such city shall be elected for a term of one year and those representing the odd wards thereof shall be elected for a term of two years, and thereafter at the expiration of said terms all elections to such board shall be for a period of two years. Every member of such board shall be not less than twenty-five years of age and shall have been a citizen of the state for four years and a resident of such city and ward for one year next preceding the date of his election. No member of said board shall be directly or indirectly interested in any contract with such city or any department or institution thereof, nor shall any such member during the term for which he is elected hold any other public office, appointment or employment, except that of notary public or member of the state militia. Any member who shall at any time during his term cease to possess any of the qualifications mentioned in this section shall thereby forfeit his office, and the same shall immediately become vacant and be filled as hereinafter

Vacancies.

provided. Such vacancies shall be declared by the board, and in case the board shall fail for a period of ten days to declare such vacancy the mayor is hereby authorized and required to do so. All vacancies which may occur in the board of legislation from any cause whatsoever shall be filled for the unexpired term by election by a majority of all the members elected thereto. The members shall, within ten days after each annual municipal election, meet and organize the board, and the mayor, or in his absence the clerk, shall call to order the members elected and the members holding over. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from to time and compel the attendance of absent members. The board shall, annually, elect a president and vice-president from its own body, and shall, at the expiration of the term of the city clerk, also elect a city clerk, who shall be the clerk of the board and shall serve as hereinafter provided; but the board shall not have power to choose, select or appoint any other officer or employe whatsoever. The president shall, annually, as soon as the board has organized, appoint a sergeant-at-arms, who shall perform the duties belonging to such office until his successor is appointed. The board shall determine the rules of its proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may punish or expel any member for disorderly conduct or violation of its rules, or declare his seat vacant by reason of absence without valid excuse, where such absence is continued for the space of two successive months; but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity of being heard in his defense. At any meeting of the board any member shall have the right to call for the ayes and nays on any question before the board, including the motion for adjournment. The board shall assemble in the legislative chamber in regular meetings once each week on such days as it may select. The mayor or any three members may call special meetings of the board by notice to each member served personally or left at his usual place of residence or business. No meeting of the board shall begin before six o'clock p. m., unless it shall be otherwise provided by a vote of at least three-fourths of all the members elected to the board. Each member of the board who is present during the entire session of any regular meeting, and not otherwise, shall be entitled to receive five dollars for his attendance, and [shall] receive no other compensation whatsoever. The votes of a majority of all the members elected to the board shall be necessary to pass any ordinance, resolution or order; and the vote on every ordinance, resolution or order relating to the expenditure of money, or for granting a franchise or creating a right, or for the purchase, lease, sale or transfer of property shall be taken by an aye and nay vote, and entered in the journal of the board. Every such ordinance, resolution and order shall be distinctly read at three regular meetings before such vote is taken, and said board shall have no power to dispense with

**Organization.**

**Rules, etc.**

**Meetings.**

Mayor must approve ordinance, etc., for expenditure of money.

any of such readings; and every such ordinance, resolution and order shall, before it takes effect, be presented, duly certified by the clerk, to the mayor of the city for approval. The mayor, if he approves such ordinance, resolution or order, shall sign it; but if he does not approve it he shall return it with his objection to the board within ten days thereafter, or if the board is not in session, at its next meeting thereafter, which objection the board shall cause to be entered in full on its journal; provided, that the mayor may aprove the whole or any item or part of any such ordinance, resolution or order presented to him for his signature; and provided further, that any item or part disapproved shall have no bearing or connection with any other part of such resolution, ordinance or order. If he does not return the same in the time above limited it shall take effect in the same manner as if he had signed it.

Board may pass measure over mayor's veto.

When the mayor refuses to sign any such ordinance, resolution or order, or part thereof, and returns it to the board with his objections, the board shall, after the expiration of not less than ten days, proceed to again consider the same, and if such ordinance, resolution or order is approved by the votes of four-fifths of all the members elected to the board, it shall then take effect as if it had received the signature of the mayor; in all such cases the vote of the board shall be determined by ayes and nays, and the names of the persons voting for or against the adoption of any such ordinance, resolution or order, shall be entered in the journal of the board.

Municipal officers to be selected.

Sec. 1708*a*. In cities of the first grade of the first class there shall be a mayor, auditor, treasurer, a police judge, a clerk of the police court and corporation counsel, who shall be chosen by the electors; and a prosecuting attorney of the police court, who shall be appointed by the mayor, with the advice and consent of the board of legislation; and a city clerk, to be elected as provided in section 1655*a*.

Terms.

Sec. 1709*a*. In cities of the first grade of the first class the mayor, auditor, treasurer, police judge, corporation counsel, prosecuting attorney and clerk of the police court shall each serve three years; and the city clerk shall serve three years; provided, that the incumbents of all of said several offices, except comptroller and city solicitor, both in cities which now are and in those which may hereafter become cities of said class and grade, shall hold the same until the expiration of the terms of office for which they were respectively elected or appointed, without change of compensation. The mayor hereafter to be elected under the provisions of this act shall be ineligible to election for two successive terms.

Certain offices abolished.

Upon the election of the auditor and corporation counsel, as herein provided, the offices of comptroller and city solicitor shall cease and determine, and the auditor and corporation counsel shall in all respects be deemed the successors of the comptroller and city solicitor, and, except as herein otherwise provided, shall perform the same duties and have the same powers now conferred upon or required of the comptroller or city solicitor. The said officers, except incumbents holding over as aforesaid, shall receive yearly salaries as

Salaries.

follows: Mayor, $6,000.00; auditor, $5,000.00; corporation counsel, $5,000.00; treasurer, $3,500.00; the judge, prosecuting attorney and the clerk of the police court, the salaries which now are or may hereafter be prescribed; city clerk, $3,500.00. Which several salaries shall be payable in monthly installments, and shall not be increased or diminished during the term of office of any of said officers, and none of said officers shall receive any other or further compensation whatsoever. The compensation of all officers shall be by stated salary, and all fees and perquisites authorized by law or ordinance shall be paid into the city treasury, and unless otherwise provided shall be credited to the general fund.

Assessors.

Sec. 1718*b*. In cities of the first grade of the first class assessors shall not be elected, but the board of review shall, on the first Monday of April in each year, or as soon thereafter as said board of review shall be appointed and qualified, appoint an assessor for each ward, who shall be a resident elector therein, and who shall take the same oath, give the same bond and perform the same duties as are provided with respect to township assessors, and in all cases where an assistant to such assessor shall be necessary, said board of review shall also appoint such assistant, who shall have the same qualifications as such assessor. In making all appointments of assessors said board shall be governed solely by considerations of fitness for the duties of the office, and shall entirely disregard political opinions and party affiliations.

Duties of auditor:

Sec. 1765*a*. In cities of the first grade of the first class, the auditor shall, in addition to other duties which now are or may hereafter be prescribed by law or ordinance, discharge the following duties:

Annual report to be made.

1. At the end of each fiscal year he shall submit to the board of legislation, printed in pamphlet or book form, a report of the accounts of such city, verified by his oath or affirmation, showing the revenues, receipts and expenditures, the sources from which the revenues and funds are severally derived, and in what manner the same have been disbursed. Such report shall also show the names alphabetically arranged, of all persons who have paid money for any license or on any assessment during the year covered by such report, together with the amounts paid by each; and, also, a list, alphabetically arranged, of all persons who are delinquent for any license or assessment, with the amounts due from each.

Accounts of appropriations to be kept separately.

2. He shall keep separate accounts for each specified item of appropriation made to each department, and require all vouchers to state specifically against which of said items the same are drawn. Each account shall be accompanied by a statement in detail, in separate columns, of the several appropriations, the unpaid contracts charged against each, and the balance standing to the credit of each.

Appropriations must not be overdrawn.

3. He shall not allow the amount set aside for any appropriation to be overdrawn, or the amount appropriated for one item of expense to be drawn upon for any other purpose, or by any department other than [that] for which the appropriation was specifically made, nor unless sufficient funds out

of which said voucher is payable shall actually be in the treasury at the time of the credit of the item upon which it is drawn.

Auditor responsible if he approves voucher contrary to law.

4. If any voucher presented to the auditor contain an item for which no appropriation has been made, or which for any other cause should not be approved, he shall forthwith notify the proper department of such fact, and if the auditor shall approve any voucher contrary to the provisions of this act, he and his sureties shall be individually liable for the amount of same.

Auditor may require evidence that claim is legal.

5. Whenever a voucher or claim shall be presented to him, he shall have the power to require evidence that the amount claimed is justly due, and that there is no offset against the same, and for this purpose may summon before him any officer, agent or employe of any department of the city or any other person, and examine him upon oath or affirmation concerning such voucher or claim.

Monthly statements to auditor.

6. Detailed statements of the receipts and expenditures of the several departments for the preceding month shall be made to the auditor by the heads thereof, on the first Monday of each month.

Auditing of accounts of other officials.

7. The auditor shall, at the end of each fiscal year, or oftener if required by the board of legislation, and also upon the death, resignation or removal, or expiration of the term of any officer of the city, audit, examine and settle the accounts of such officer before making the final statement of account. The auditor shall cause notice of the audit to be given to the officer or his legal representatives, and to his sureties or their legal representatives, which notice shall be by copy served personally or at residence or place of business, or in case the person to be served be a non-resident, by a publication of a copy of such notice for ten days in a newspaper published and of general circulation in such city; and if so desired by such officer or his legal representatives, or any other interested person, an opportunity shall be given for hearing; and if such officer shall be found to be indebted to such city, a statement of the account showing the amount of such indebtedness shall be at once filed with the clerk of the superior court of such city, if there be one, otherwise with the clerk of the common pleas court in the county in which such city is situated, together with a copy of the notice above provided for, verified by affidavit showing the service of the same, and such account shall be placed by such clerk upon the docket of said court as a pending action, summons to be served therein as in other civil actions, and said account to be prima facie evidence of the amount of such indebtedness. If any person or persons affected thereby shall be dissatisfied with such settlement and account as filed, he or they may, as in any other civil action, appear and defend by filing an answer thereto, verified by his or their oath, setting up defense or exceptions to such account. At the earliest possible day allowed by law, the court shall proceed to hear said cause upon said account as filed, and the answer thereto and the testimony, giving the same precedence over other cases.

Either such city or any person so answering may demand a jury and the court shall proceed to judgment therein as in any other civil action. From the time of the filing of such account the amount thereof shall be a lien upon all the real estate of the officer thereby shown to be indebted to such city and upon that of his sureties, who shall also be named in said account not exceeding as to such sureties the amount of the bond on which they are liable.

Countersigning.

8. The auditor shall countersign each receipt given by the treasurer before it shall be delivered to the person entitled to receive the same, and shall charge the treasurer with the amount thereof.

Cincinnati board of administration: constitution of; terms.

Sec. 2205. In cities of the first grade of the first class, there shall be a board of administration, composed of four (4) citizens, well known for their intelligence and integrity, who shall be appointed by the mayor. At the first appointment of such members they shall be designated to serve one, two, three and four years, respectively, from the date of their appointments. At the expiration of each of said terms the appointment of successors shall be for a term of four (4) years. All vacancies shall be filled for the unexpired term only. Not more than two f such members shall, at any time, be of the same political party.

Vacancies.

Bond.

Sec. 2206. Each member of such board shall give bond in the sum of fifty thousand ($50,000.00) dollars, to the approval of the mayor and corporation counsel indorsed thereon, conditioned for the faithful performance of his duties, with at least three (3) sureties, who, together, shall qualify in writing, under oath, to three times the amount of such bond, which oath shall be filed with such bond.

Duties of members; salary.

Sec. 2207. The members of the board shall devote their entire time and attention to the duties of their office, and shall each receive an annual salary of four thousand ($4,000.00) dollars. Each member shall, in person, supervise the cleaning, repairing and improvement of the streets, avenues, alleys, lanes, public wharves and landings, market-houses and spaces, bridges, sewers, drains, ditches, culverts and sidewalks in one of the districts into which said city shall be divided.

General powers and duties of board.

Sec. 2231. The board of administration shall have all the powers and perform all [the] duties except those relating to public parks and public fountains, heretofore conferred upon or required of the board of public improvements, except those imposed or conferred by section 2227, and except the approval and concurrence required by section 2231 of the Revised Statutes; and upon the appointment and qualification of the board of administration, which shall be considered the successor of said board, the said board of public improvements is hereby abolished. The concurrence of three members of such board shall be necessary for the letting of any contract or other action of said board. Said board shall also have all the powers and perform all the duties heretofore conferred upon and required of the board of infirmary directors in such cities, and in such cities there shall hereafter be no

election for the members of such board. The present members of such board of infirmary directors shall, until the expiration of their respective terms of office, serve, without change of compensation, in conjunction with the board of administration and not otherwise, in the management of the affairs of such infirmaries, having powers and votes equal in all respects to the powers and votes of [the] members of the last aforesaid board in all matters pertaining thereto, and none other.

Board of fire trustees: how constituted.

Sec. 2436. In cities of the first grade of the first class, the management and control of the fire department shall be vested in a board of fire trustees, composed of four (4) members, who shall be electors of such cities, well known for their intelligence and integrity, to be appointed by the mayor. At the first appointment of such trustees, they shall be designated to serve one, two, three and four years, respectively, from the date of their appointments. At the expiration of each of said terms, the appointment of successors shall be for a term of four (4) years. All vacancies shall be filled for the unexpired term only. Not more than two of such trustees shall, at any time, be of the same political party. They shall receive a compensation of $1,000.00 per annum. Said trustees shall have all [the] powers and perform all the duties which were heretofore vested in and required of the board of fire commissioners of such cities, which board, upon the appointment and qualification of the board of fire trustees, is hereby abolished, and said board of fire trustees shall in all respects be held and taken to be the successor of said board of fire commissioners.

Terms.

Salary, etc.

Board of fire commissioners abolished.

Board of work-house directors abolished, etc.

Sec. 2096*a*. In cities of the first grade of the first class the powers and duties of the board of work-house directors shall be exercised and performed by the board of police commissioners of such cities and the board of work-house directors of such cities is hereby abolished, and said board of police commissioners shall be taken and held to be the successor thereof. The members of said board of police commissioners shall each receive, in addition to the compensation already fixed by law, the sum of five hundred ($500.00) dollars per annum, for the additional services hereby required.

Extra compensation of police commissioners.

## THE BOARD OF REVIEW.

Board of review: how constituted.

SECTION 2. In cities of the first grade of the first class there shall be a board of review, consisting of six members, electors of such city, to be appointed by the superior court thereof, if there be one in such city, and if there be none, then by the court of common pleas of the county in which such city is located. The superior court, if there be one in such city, and if there be none, then the court of common pleas of the county in which such city is located shall appoint as members of said board six citizens, electors of said city, well known for their intelligence and integrity, not more than three of whom shall be of the same political party; two of whom, of different political parties, shall be designated in their appointment to serve for one year; two others, also of different polit-

Terms.

ical parties, shall be designated in their appointment to serve for two years; and the remaining two, also of different political parties, shall be designated in their appointment to serve for three years, and thereafter at the expiration of such terms the superior court, if there be one in such city, and if there be none then the court of common pleas of the county in which such city is located shall appoint two members of said board, of different political parties, to serve for three years. For neglect of duty or misconduct in office the superior court if there be one, and if there be none then the court of common pleas of the county in which such city is located, may remove any member of said board; and all vacancies therein by death, resignation, removal, or otherwise, shall be filled by the superior court if there be one, and if there be none then by the common pleas court of the county in which such city is located, for the unexpired term; and all vacancies shall be so filled that no more than three of the members of said board shall be of the same political party. The members of said board, before entering upon their said duties, shall take and subscribe to an oath to be filed and kept by the clerk of the court making the appointment, to support the constitution of the United States and of the state of Ohio, to obey the laws, and in all their official actions and judgments to aim only to secure and maintain an honest and efficient management of their department, free from partisan dictation and control. The members of said board shall each receive an annual compensation of twenty-five hundred dollars ($2,500.00), and give bond conditioned for the faithful performance of his duties in the sum of $10,000.00, with sureties to the satisfaction of said court. Said board shall have power to employ a secretary, and to appoint such other officers and employes as it may deem necessary for the efficient execution of its duties, and to fix their salaries and their terms of office. Said board of review shall have all the powers and perform all the duties heretofore conferred upon or required of the board of tax commissioners, and the board of revision, and the annual board of equalization, and the decennial board of equalization, in cities of the first grade of the first class, by any law now in force; and said board of review shall, in all respects, be considered the successor of the said board of tax commissioners, and said board of revision, and said annual board of equalization, and said decennial board of equalization in such cities, which boards are, upon the appointment and qualification of said board of review, hereby abolished. Said board shall fix the compensation of all assessors and assistants, and other officers, and agents, and employes appointed by said board, and shall frame appropriate rules governing them in the discharge of their respective duties.

Removals.

Vacancies.

Oath.

Salary.

Secretary.

Powers and duties of board.

Certain boards abolished.

Board to fix pay of assessors, etc.

SECTION 3. That all appointments provided for in sections 1708*a*, 2205 and 2436 shall, except in cases of vacancies, be made on the first Monday in May, or as soon thereafter as practicable, of each year in which appointments are required. The predecessors of the boards and officers whose appointments are so provided for, and also the council and mayor, shall serve with their several powers and duties, as now prescribed by law, until

When appointments to be made and to take effect.

such boards and officers shall be appointed and qualified, and the board of legislation and mayor shall be elected and qualified. The advice and consent of the board of legislation in making such appointments shall not be necessary, except as provided in section 1708*a*. Any person appointed under any of said sections, except the prosecuting attorney of the police court, may be removed at any time by the board or officer appointing him; provided, however, that the members of the board of administration appointed by the mayor, as provided in section 2205, and the members of the board of fire trustees appointed by the mayor, as provided in section 2436, shall be removed from office in manner and under conditions as follows, and none other: It shall be the duty of the mayor, whenever probable cause appears, to prefer charges against any such officer. Any twenty-five citizens may, in like manner, prefer charges. All charges so made against any such officer shall be forthwith filed with the board of review in such city, and within one week after such filing the board of review shall proceed to hear and examine such charges. All charges shall be taken as denied, and hearing shall be summary and without pleading, and the action of the board of review shall be final. A record of all such charges and findings shall be made and kept.

Removals.

How charges may be preferred, etc.

Public officials must not take active part in municipal politics.

SECTION 4. No officer or employe of any department shall be a member of, or delegate to any political convention at which municipal officers are to be nominated, and in case any such officer or employe shall violate this provision, it shall be the duty of the mayor (or head of the appropriate department, as the case may be), to remove such person from office or discharge him from employment; but, provided, that nothing herein contained shall apply to any officer or member of the police force, who may be detailed to attend such convention in the course of his duty.

Repeals.

SECTION 5. Sections 2205, 2206, 2207, 2227 and 2231, as amended March 13, 1890, and 2436 of title 12 of the Revised Statutes of Ohio, and any and all other sections or portions of said Revised Statutes, in so far as the same are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
143G

[House Bill No. 466.]

## AN ACT

To amend sections 1, 2, 3 and 4 of an act passed March 14, 1889 (O. L., vol. 86, p. 96), entitled "An act to define pure wines, wines, compounded wines and adulterated wines, and to regulate the manufacture and sale of compounded wines, and to prohibit the manufacture or sale of adulterated wines within the state of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, three and four of above named act be amended so as to read as follows:

Adulterated wine: defined.

Sec. 1. That all liquors denominated as wine containing alcohol, "except such as shall be produced by the natural fermentation of pure, undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine, or by any other name whatsoever, in the nature of articles for use as beverages, except as allowed in section four of this act, or for compounding with other liquors for such use, and all compounds of the same with pure wine, and all preserved fruit-juices compounded with substances not produced from undried fruit, in character of, or intended for use as beverages, and all wines (including all grades and kinds) which contain, or in the production or manufacture of which, any glucose, or uncrystallized grape or starch sugar, or cider, or pomace of grapes out of which the juice has been pressed or extracted, known as grape cheese, has been used, and all wines, imitation of wines or other beverages produced from fruit into which carbonic acid gas has been artificially injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or any other antiseptic, coloring matter (other than produced from undried fruit, or pure sugar), essence of either or any foreign substance whatever, which is injurious to health, shall be denominated as adulterated wine, and any person or persons who shall manufacture, or cause the same to be done, with intent to sell, or shall sell or offer to sell, any of such wine or beverage, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred dollars, or more than one thousand dollars, or be imprisoned in the county jail for a term of not less than thirty days or more than six months, or by both such fine and imprisonment, in the discretion of the court, and shall be liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell, and such wine or beverage shall be deemed a public nuisance and forfeited to the state, and shall be summarily seized and destroyed by any health officer, marshal, constable or sheriff, within whose jurisdiction the same shall be found, and the reasonable expense of such seizure and destruction, not exceeding the amount paid for similar services, shall be a county charge, and paid out of the county treasury in the same manner as costs in criminal cases, where the state fails to convict, are now allowed and paid out of such treasury.

Penalty for manufacturing or selling.

Sec. 2. For the purpose of this act the words "pure

Pure wine: defined.

wine" shall be understood to mean the fermented juice of the undried grapes, without the addition thereto of water, sugar, or any foreign substance whatever; and all such wines shall be known as "pure wine" and shall be stamped, branded, labeled, designated and sold as "pure wine," and the name and kind of wine, and that of the locality where such wine is made, and of the manufacturer, may also be added; and it shall be unlawful to affix any stamp, brand or label containing the words "pure wine" (either alone or with other words) on any vessel, package, bottle or other receptacle containing any substance other than pure wine as in this section defined, or to prepare, or use on any vessel, package, bottle, or other receptacle containing any liquid, any imitation or counterfeit of such stamp, label or brand, or any stamp, label or brand of such form and appearance as to be calculated to mislead or deceive any person, or cause to be supposed that the contents thereof be pure wine, or to use any vessel, package, bottle or other receptacle, having such stamp, brand or label affixed thereon, except for pure wine, as in this section defined; and if the name of the manufacturer is added, then only of such manufacturer's make, providing the same is pure wine. And any person selling such wine shall in the invoice thereof plainly state and designate the same as "pure wine."

Must be stamped as such.

Wine: defined.

Sec. 3. For the further purpose of this act the word "wine" shall be understood to mean the fermented juice of undried grapes; provided, however, that the addition of pure white or crystallized sugar to perfect the wine, or the using of the necessary things to clarify and refine the wine which are not injurious to health, shall not be construed as adulterations, but such wines shall contain at least seventy-five per cent. of pure grape-juice, and shall not contain any artificial flavoring whatever; and all such "wine" shall be known as "wine," and shall be stamped, branded, labeled and sold as "wine," in the same manner as is provided in section two of this act in case of pure wine, except the words in this case shall be "wine" without the prefix "pure" and all the provisions of said section two, as far as applicable, shall govern the manufacture and sale of "wine" as in this section defined. And any person selling such wine shall in the invoice thereof plainly state and designate the same as "wine" without using the prefix "pure."

Must be stamped as such.

Compounded wine: defined.

Sec. 4. For the further purpose of this act, the word "compounded wine" shall be understood to mean any wine which contains less than seventy-five per cent. of pure undried grape-juice, and is otherwise pure, and all wines containing alcohol or any other distilled spirits not produced by the natural fermentation of pure undried grapes, such wine shall be known as compounded wine, and shall be branded, marked, labeled and sold as compounded wine, and the name of such wine may be added, or such wine shall be branded, labeled and marked by using the word "compounded" next preceding the name of such wine, such as "compounded sweet catawba," or "compounded port wine," or the like (and an addition of pure distilled spirits not to exceed eight per

Must be branded as such.

cent. of its volume shall not be taken to be an adulteration of such wine); and upon each and every package, barrel or other receptacle of such wine, which shall contain more than three gallons, there shall be stamped upon both ends of such package, barrel or other receptacle, in black printed letters at least one inch high and of proper proportion, the words "compounded wine" or the name of such wine, preceded by the word "compounded" as in this section provided, and upon all packages or other receptacle which shall contain more than one quart and up to three gallons, there shall be stamped upon each of said packages or receptacles in plain, printed black letters, at least one-half inch high, and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded" as in this section provided, and upon all packages, bottles or other receptacle of one quart or less, there shall be placed a label securely pasted thereon, on which label the words "compounded wine," or the name of the wine, preceded by the word "compounded," shall be plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or other receptacle be enclosed in a larger package, as a box, barrel, case or basket, such outside package shall also receive the stamp, "compounded wine" or the name of such wine, preceded by the word "compounded," the letters to be the size according to the amount of such wine contained in such outside packages. And any person selling wine of the kind this section defined, shall in the invoice thereof plainly state and designate such wine as "compound wine."

Repeals, etc.

SECTION 2. Sections 1, 2, 3 and 4 of said act are hereby repealed; and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
144G

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[House Bill No. 1000.]

AN ACT

**To amend section 1707a of the Revised Statutes of Ohio.**

Officers of cities, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1707*a*, of the Revised Statutes of Ohio, be and the same is hereby amended so as to read as follows:

Officers of city of Hamilton.

Sec. 1707*a*. The officers of cities of the second class and third grade, having a population at the federal census of 1880 of twelve thousand one hundred and thirty-two, and when said cities already have an organized police force, shall consist of a mayor, who shall receive an annual salary of twenty-five hundred dollars, and a clerk at a salary not to exceed $720 per annum, and no other fees or compensation

whatever, either by law or otherwise; and the mayor shall collect all costs, fines and all other fees and deposit the same in the city treasury, to the credit of said city; a city commissioner who shall be superintendent of streets and highways, and a treasurer, except as otherwise provided for by law, and a city solicitor, all of which officers shall be chosen by the electors of said cities; and a clerk who shall be elected by the council of such cities, a chief of police who shall be appointed by the mayor subject to the approval and confirmation of council of such cities, whose term of office shall be for one year, and shall commence on or before the first Tuesday of April; and the council may, when in its opinion it deems it expedient, create by ordinance the office of auditor, sealer of weights and measures, fire engineer, civil engineer, superintendent of markets, and provide for their election or appointment and compensation; provided, that all duties herebefore imposed upon the marshal by law or ordinance, shall devolve upon or be performed by said chief of police, who shall be subject to the provisions contained in section two thousand and eight of the Revised Statutes, and whose salary shall be fixed by the council.

Repeals.

SECTION 2. That said original section 1707*a*, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
145G

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[House Bill No. 1029.]

## AN ACT

**To provide for the collection, arrangement and display of the products of the state of Ohio at the world's Columbian exposition of 1893, and to make an appropriation therefor.**

Preamble.

WHEREAS, The congress of the United States has provided, by an act approved April 25, 1890, for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine and sea, in the city of Chicago, in the state of Illinois, in the year 1893; and

WHEREAS, It is of great importance that the natural resources, industrial development, and general progress of the state of Ohio should be fully and creditably displayed to the world at said exposition; therefore,

World's fair managers of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of exhibiting the resources, products and general development of the state of Ohio at the world's Columbian exposition of 1893, a commission is

hereby constituted, to be designated the board of world's fair managers of Ohio, which shall consist of fifteen citizens, to be organized and continue its duties as hereinafter provided.

Constitution and organization of board, etc.

SECTION 2. The members of said board shall be appointed by the governor within thirty days after the passage of this act, and shall meet at such time as the governor may appoint, and organize by the election of a president, a vice-president, a secretary, and a treasurer. The treasurer of said board shall give a bond to the state in the sum of one hundred thousand ($100,000) dollars, with sureties, to be approved by the governor, for the proper performance of his duties. Eight members of said board shall constitute a quorum for the transaction of business. The board shall have power to make rules and regulations for its own government, provided such rules and regulations shall not conflict with the regulations adopted under the act of congress for the government of said world's Columbian exposition. Any member of the board may be removed at any time by the governor for cause. Any vacancy which may occur in the membership of said board shall be filled by the governor.

Members to be paid expenses only.

SECTION 3. The members of the board appointed under this act who are not officers thereof shall not be entitled to any compensation for their services out of the state treasury, except their actual expenses for transportation and the sum of four dollars per day for subsistence for each day they are necessarily absent from their homes on the business of said board.

Executive commissioner.

SECTION 4. The board of world's fair managers is authorized and directed to appoint an executive commissioner and to fix his salary, subject to the approval of the governor, which salary shall not exceed twenty-four hundred dollars, per year, and necessary expenses while engaged in the discharge of his official duties, an itemized statement of such expenses to be rendered by said executive commissioner to the board of managers, to be audited and approved by said board before payment thereof, which salary and expenses shall be payable monthly out of the appropriation hereinafter authorized, and said executive commissioner shall be authorized and required to assume and exercise, subject to the supervision of said board, all such executive powers and functions as may be necessary to secure a complete and creditable display of the interests of the state at the world's Columbian exposition of 1893; and, as the executive agent of said board he shall have personal charge of the solicitation, collection, transportation, arrangement, and exhibition of the objects sent under the authority of the state to the world's Columbian exposition of 1893, and of such objects sent by individual citizens of the state as may be by them placed in his charge. He shall make a report to the board monthly, and shall hold office at the pleasure of the board.

Ex-officio members.

SECTION 5. The world's Columbian commissioners and the board of lady managers of the world's Columbian commission from the state of Ohio, and their respective alternates, and the world's Columbian commissioner-at-large and alter-

nate from the state, if any there be, shall be ex-officio members of the board of world's fair managers for the state of Ohio. And shall have the same powers and same compensation as the other members of said commission save and except that they shall not receive any pay for transportation or subsistence for which they are compensated out of the treasury of the federal government.

Duties and powers of board.

SECTION 6. The said board shall have charge of the interests of the state and its citizens in the preparation and exhibition, at the world's Columbian exposition of 1893, of the natural and industrial products of the state, and of objects illustrating its history, progress, moral and material welfare and future development, and in all other matters relating to the said world's Columbian exposition; it shall communicate with the officers of and obtain and disseminate through the state all necessary information regarding said exposition, and in general have and exercise full authority in relation to the participation of the state of Ohio and its citizens in the world's Columbian exposition of 1893.

Board must report to governor.

SECTION 7. The said board shall make a report of its proceedings and expenditures from time to time to the governor, and at any time upon his written request, to be by him transmitted to the legislature, together with such suggestions as he may deem important regarding provision for a complete and creditable representation of the state at the world's Columbian exposition of 1893.

Appropriation authorized.

SECTION 8. To carry out the provisions of this act, a sum not exceeding one hundred thousand dollars shall be appropriated in such installments as may be hereafter authorized by law and the state treasury is directed to pay the same from the general fund from time to time on the requisition of said board, signed by its president and secretary, and approved by the governor, and accompanied by estimates of the expenses to the payment of which the money so drawn is to be applied.

First installment of appropriation.

SECTION 9. For the first installment of the sum mentioned in section 8 of this act and for the purposes therein set forth there is hereby appropriated out of any moneys in the treasury, to the credit of the general revenue fund, not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000.00).

SECTION 10. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
146G

[House Bill No. 1282.]

AN ACT

To create township supervisors in certain counties, and to require the letting of certain portions of road work by contract.

Township supervisors to be elected in certain counties (Vinton).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every county in the state of Ohio having a population of 16,040 to 16,060 (Vinton) at the last federal census (1890), or any succeeding census, there shall be elected on the first Monday in April, A. D. 1891, and biennially thereafter, one supervisor in each township, who shall hold his office for two years, and until his successor is elected and qualified, and each township, exclusive of such part as may be under the control of a municipal corporation, shall constitute a road district; provided, that in townships having two or more voting precincts, there shall be elected one supervisor for each precinct, and each precinct shall constitute a road district, and where the election is in common with a municipal corporation the vote for supervisor shall be taken in a separate ballot-box, furnished by the township trustees for such purpose, and only those electors shall be entitled to vote who reside within the proposed road district. Each supervisor, within ten days after his election, shall take an oath or affirmation to faithfully, honestly and impartially discharge all the duties of his office, and shall enter into bonds, payable to the state of Ohio, in trust for the township, in the penal sum of not less than five hundred dollars, with surety to be approved by the township trustees, conditioned to fulfill the requirements of said oath, or affirmation; said bonds to be recorded by the township clerk, and when forfeited in whole or in part, to be collected with the cost, by the trustees in a civil action, and moneys so collected shall go into the road fund of the township, to be expended as other road moneys.

Removals, etc.

SECTION 2. If the supervisor of any road district shall, by willful neglect of duty or malfeasance in office, forfeit his bond or any part thereof, or shall prove incompetent to properly fulfill the duties of the office, he may be removed by the township trustees, and it shall be the duty of the trustees on proof of such neglect, malfeasance or incompetence in a suit brought before a justice of the peace of the township, to declare the office vacant; and in case of vacancy in the office by any cause, the trustees in the district where such vacancy occurs, shall appoint a suitable person to fill the same for the unexpired term, and the person so appointed shall, before entering upon his duties, take an oath or affirmation, give bonds, and be under the same restrictions and penalties provided for in this act.

Duties of supervisors.

SECTION 3. The duties of supervisor shall be as follows: To open, or to cause to be opened, all public roads and highways which shall be laid out and established in his district, and to maintain the proper legal width and location of the same; to keep the same in good repair and make, from time to time, such permanent improvements by grading, draining,

graveling or macadamizing, as the tax for road purposes will warrant; to remove or cause to be removed, forthwith, all obstructions that may be found thereon; to complete the work of grading and ordinary repairs between the first day of April and the twentieth of June of each year, and to complete within a reasonable time after having been commenced, all repairs and improvements in a smooth and workmanlike manner, and in good condition for all kinds of public travel, and to grade, or cause to be graded and leveled off, the earth and gravel that may be scraped, shoveled or hauled into any public road under his direction or charge at the time such work is performed; and within the months of July and August of each year, to cut down or cause to be cut down and destroyed, all weeds, burs, bushes and briers growing in the public highways within his jurisdiction. But no supervisor shall cut down or molest any of the shade trees growing upon the highways, unless so ordered by the township trustees.

Guide-boards, watering-troughs, etc.

SECTION 4. Supervisors shall cause to be erected and kept in repair at the principal forks and cross-roads within their respective districts leading to some village, depot or other important place, a post and guide-board containing a legible inscription directing the way and naming the distance to the village or public place or places situated on each of such roads, and shall provide and maintain, where feasible and desirable, suitable watering-troughs and places for procuring water for persons and animals on the public highways; and shall remove, or cause to be removed, timber or drift lodged against bridges or abutments of the same in a manner to endanger or damage the structure, but it shall not apply to toll bridges, or bridges upon toll roads.

When road tax to be worked out, etc.

SECTION 5. Supervisors shall order out, or cause to be ordered out, annually, between the first day of April and the first day of July, every person liable to perform the two days' labor in his district, to do and perform such labor upon the public highways, but no person shall be required to perform such labor at a distance of more than one and one-half miles from his place of residence, and for the above purpose the residence of any person who has a family shall be held to be where his family reside, and the residence of any other person shall be held to be where he boards; provided, that in place of the two days' labor, each person may pay to the supervisor three dollars.

Contracts.

SECTION 6. Supervisors shall let by contract, under written specifications, such portions of the public roads for ordinary repairs or for grading, under-draining, graveling or macadamizing as the trustees shall direct; and the work of ordinary repairs shall be done between the first day of April and the twentieth day of June of each year, except scraping the roads, which may be done at any time when it shall be deemed necessary by the supervisor or trustees; but before letting any contract for grading, under-draining, graveling or macadamizing, any one job of which will, in his judgment, exceed in cost the sum of fifty dollars, he shall make careful estimate of the cost, to be approved by at least two of the township trustees; and, if necessary for

this purpose, he may employ a competent engineer, and shall advertise the letting of the work at least twenty days, specifying the width, height and pitch of grade, depth and width of gravel or stone to be applied, and other necessary particulars and specifications, and let the same to the lowest responsible bidder, taking from him a bond in a sum fixed by them, payable to the state, with good sureties for the performance of the work within a time therein specified, and in accordance with full written specifications, a copy of which bond and specifications shall be filed with the township clerk, but no bid shall be accepted which exceeds the estimated cost, and the supervisor may reject any or all bids, and it may be a condition of the contract that persons owing the two days' labor, and whose names are specified therein, may work out the same under the direction of the contractor, such work to be received and accounted for as a part in payment of the contract price. And it also shall be a condition of the contract that persons that pay a road tax or assessment of property, and who may live within one and one-half miles of where the work is to be performed, shall have preference in the employment of labor to complete the contract, such work to be performed at a time agreed upon by the contractor, and at the same rate per day as the contractor pays in cash for similar labor on any such contract, but all such contracts shall be submitted to the township trustees and approved by them.

Accounts to be kept by supervisors.

SECTION 7. Supervisors shall expend the money collected by them, in lieu of the two days' labor for the benefit of the roads in their respective districts, and shall keep an itemized account in a book of record, to be furnished by the trustees and given over to their successors in office, of all moneys received and paid out by them, and shall report to the trustees of their townships at the annual settlement on the first Monday in March, a detailed statement of their official transactions, including the amount of labor and by whom performed, when and where expended, time and date of their own services, and they shall return a full and true list of the names of all persons within their respective districts who have been ordered out to perform the two days' labor, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this chapter shall be paid by the justice of the peace or constable collecting the same, into the township road fund, and supervisors shall also render an account to the trustees at the annual settlement, of all moneys that remain in their hands at the time of settlement, and all judgments that remain unpaid, with the names of the judgment debtors and the justice before whom such judgment was obtained, with the amount of each, and the trustees shall make such order as to the prosecution of suits by the supervisor against such delinquent as in the judgment of the trustees the interests of the township may require.

Money to be paid by supervisor to successor.

SECTION 8. All money that may remain in the hands of the supervisor at the expiration of his term of office shall be paid over to his successor, with a full statement of his official transactions from and after the time of his annual settlement with the township trustees, as soon as such successor shall be elected

and qualified, taking a receipt therefor, said receipt to be deposited with the township clerk, and said statement shall be made a part of the account rendered by his successor at the next annual settlement with the township trustees, and any supervisor may sue out executions on any judgments that remain unpaid, at any time when, in his opinion, the same can be collected.

Annual examination of accounts.

SECTION 9. The trustees, treasurer and supervisor of roads shall meet annually on the first Monday of March, at the place of holding township meetings, and the trustees shall proceed to examine the itemized account of the treasurer and supervisor, and settle the same and all other claims against the township not before settled.

Implements.

SECTION 10. It shall be the duty of the trustees to purchase improved implements for road making in sufficient quantity for the use of the township, and the same shall be used exclusively for that purpose, and the cost, on their order, shall be paid out of any money in the township treasury not otherwise appropriated, and should there be a lack of funds the trustees may levy an additional tax for that purpose, not to exceed one hundred dollars in any one year, and such improved implements shall be for the use of contractors and supervisors in the making and repairing roads within the township, and the supervisor shall be held responsible for the good usage of the same, and shall take care of them and preserve them when they are not in use.

Side-walks, bridges, etc.

SECTION 11. Supervisors, when authorized by the trustees, shall grade sidewalks, and when deemed necessary, to construct foot-bridges over streams of water on the line of roads in their districts, and any portion of the two days' labor may be used for this purpose.

Pay of supervisors.

SECTION 12. Supervisors shall be entitled to a per diem not to exceed two dollars for each day actually employed, the same to be paid on the order of the trustees out of the road or township fund, and they shall not exceed in expenditures for road purposes in any one year the amount of road fund for that year, except in cases of unforeseen damage by flood or otherwise.

Levy of tax.

SECTION 13. The township trustees shall, in addition to the two days' labor, determine a per centum to be levied for road purposes upon each dollar of valuation of the taxable property of their respective townships, exclusive of any incorporated village, as follows: In townships having a valuation of taxable property of one million dollars and over, not exceeding three mills on each dollar; in townships having a valuation of less than one million and more than five hundred thousand dollars any rate not exceeding four mills on each dollar; and in townships having less than five hundred thousand dollars valuation, any rate not exceeding five mills on each dollar; and said trustees shall certify the same to the county auditor in writing on or before the fifteenth day of May of each year; and the county auditor shall assess the same on all taxable property in said township road district, and the same shall be collected, one-half

in the December installment and one-half in the June installment by the county treasurer, and paid over to him by the treasurer of the township from which said taxes were collected, the same to be expended for the improvement of roads in the township road districts where collected; provided, that said tax may be paid in labor performed under the supervision and direction of the supervisor. The December installment to be worked on or before the first day of September each year in which the tax is levied, and the June installment before the first day of June each year following, and said trustees shall, annually, set apart such portion of the road tax as they deem best in payment of contracts for permanent improvement of the roads by draining, grading, graveling or macadamizing.

SECTION 14. This act shall take effect from and after the first Monday in April, A. D. 1891.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
147G

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[House Bill No. 826.]

AN ACT

To protect the property of natural gas companies and other furnishers of gas and the interest of consumers of gas.

Offenses against property; penalty for tampering maliciously with gas-pipes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever, not then being the agent or employe for that purpose of the owner, manufacturer or operator thereof, maliciously opens, closes, or in any manner or to any extent adjusts or interferes with any valve, regulator, gauge, gate, disc, curb-cock, stop-cock, meter, or other regulating, operating or measuring device or appliance in, or attached to the wells, tanks, conduits, pipe-lines, mains, service-pipes, house-pipes, display-pipes, or other pipes of any gas company, manufacturer or furnisher of gas; with intent to cause the escape of any gas or to injure or destroy any of such property and whoever, not being the agent or employe for that purpose of the owner, manufacturer or operator thereof, maliciously enlarges or alters any mixer furnished or approved by any gas company, manufacturer or furnisher of gas to or for a consumer of its, his or their gas, or maliciously removes from its connection any mixer so furnished or approved, or, without express permission first obtained, consumes for fuel the gas of any gas company, manufacturer or furnisher of gas, without the use of a mixer so furnished or approved by said gas company, manufacturer or furnisher of gas, and whoever, not then being the agent or employe for that purpose of the owner, manufacturer or operator thereof, taps, severs or opens any main or pipe used or intended for

the transmission of gas, or connects with such main or pipe any other main or pipe, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, or imprisoned not more than thirty days, or both. The word "gas" in this act shall include and mean natural and artificial gas, used for heating and illuminating purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 26, 1891.
148G

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[House Bill No. 1193.]

## AN ACT

To amend an act entitled "An act concerning villages adjoining each other on opposite sides of a line of railroad," passed March 31, 1881 (vol. 78, page 93, Ohio laws).

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act concerning villages adjoining each other on opposite sides of a line of railroad," passed March 31, 1881 (O. L., vol. 78, p. 93), be and the same is hereby amended so as to read as follows:

Fixing the boundary lines of certain villages (Wyoming and Lockland).

Sec. 1. Whenever two villages adjoin each other on opposite sides of the line of any railroad in any county containing a city of the first grade of the first class, the boundary line between such villages, except where the same had been established previous to the passage of the act hereby repealed, shall be along the middle of the right of way of said railroad. And the boundary lines of villages affected by said act passed March 31st, 1881, are hereby changed and re-established on the lines established previous to the passage of said act.

Repeals.

SECTION 2. That said act passed March 31, 1881, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
149G

[House Bill No. 1298.]

## AN ACT

**Empower the governor to make a deed for a certain tract of land situate in section 31, township 2, range 3, in Butler county, Ohio, to O. V. Parrish, upon conditions agreed upon between said O. V. Parrish and the canal commission.**

Governor authorized to execute deed to O. V. Parrish.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and he is hereby empowered to make a deed for a certain tract of land situate in section 31, township 2, range 3, in Butler county, Ohio, to O. V. Parrish upon condition that said O. V. Parrish pay two hundred ($200.00) dollars into the state treasury, as has been agreed upon between the within named O. V. Parrish and the canal commission of the state, and indorsed and recommended by the board of public works.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
150G

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[House Bill No. 1395.]

## AN ACT

**To provide for the appointment of a board of examiners of municipal offices and departments, in cities of the second grade of the first class.**

Board of examiners: how appointed in certain cities (Cleveland).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county where there is a city of the second grade of the first class, the probate judge of such county, upon the application of ten or more freehold residents of such city, shall appoint competent disinterested citizens, not exceeding three in number, not more than two of whom shall be of the same political party, to examine without notice the affairs of any department, officer or employe of such city, and the result of such examination shall be recorded in full in the office of the mayor, and by him shall be transmitted to the council at its next meeting; such citizens so appointed shall have power to administer oaths, compel the attendance of witnesses and the production of papers and books, as they may deem necessary to a full discharge of their official duty.

Compensation.

SECTION 2. Persons serving under appointment, as provided in section one of this act, shall receive from the city treasury five dollars per day for each day employed; but the time employed may be limited by the judge of the probate court.

SECTION 3. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
151G

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[House Bill No. 1530.]

AN ACT

To authorize county commissioners in counties having a population at the last federal census of 1890, and which at any succeeding census may have a population of 55,979 to issue bonds.

Certain counties (Mahoning) may issue bonds to meet deficiencies, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners in counties having a population at the federal census of 1890, and which at any succeeding census may have a population of 55,979, be and they are hereby authorized to issue the bonds of said counties in amount not to exceed twenty-five thousand dollars, with interest coupons attached thereto, interest payable semi-annually, and in sums not less than five hundred dollars, nor greater than one thousand dollars, principal and interest payable at the office of the treasurer of said counties; said bonds to be due and payable at such times as said commissioners of said counties may in their discretion deem for the best interest of said counties, provided, that none of said bonds shall be due and payable at a longer period than seven years from the date of issue; said bonds to bear interest at a rate not exceeding five per cent. per annum; said bonds to be sold under the statute governing the advertising and sale of bonds, and shall not be sold for less than their par value and accrued interest, if any, and the proceeds thereof to be placed in the county treasury to the credit of the county fund to cover deficiencies already existing in said fund and to pay the interest and redeem the bonds heretofore issued and herein authorized to be issued by said county commissioners.

Levy of tax.

SECTION 2. That for the payment of the interest on and for the final redemption of said bonds herein authorized to be issued, and for the payment of interest on and for the final redemption of any other bonds of the said counties heretofore issued, the commissioners of said counties are hereby authorized to levy taxes upon all taxable property in said counties at a rate not to exceed eight-tenths of one mill on the dollar, in addition to the levies now authorized by law, to create such a fund as may be found necessary to pay the deficiencies in the county funds, if any, and to pay the interest on and final redemption of any bonds of said counties as they become due and payable. Provided, that the tax levy hereby authorized shall not extend beyond seven years from the first day of January, A. D. 1892.

Bonds.

SECTION 3. The said bonds shall be issued and signed by said commissioners of said counties or a majority of the

board, and countersigned by the county auditor, who shall keep and preserve a record of the bonds so issued, and said bonds shall be numbered consecutively, and be made negotiable.

SECTION 4. This act to take effect and be in force on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
152G

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[House Bill No. 1587.]

AN ACT

To give consent to the purchase by the United States of a site for the erection of a public building in Canton, Ohio, and ceding jurisdiction over the same.

Consenting of purchase of land in Canton by United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the consent of the state of Ohio is hereby given to the purchase by the United States of America, of one or more pieces of land, situate in the city of Canton, not exceeding one acre in quantity, on which to erect a public building and appurtenances, for the use and accommodation of the post-office, internal revenue office, pension office, and for other government uses; and the said United States shall have, hold, use, occupy and own the said land, when purchased, and exercise exclusive jurisdiction and control over the same and each and every part thereof, subject to the restriction hereinafter mentioned.

Jurisdiction ceded.

SECTION 2. The jurisdiction of the state of Ohio in and over the land mentioned in this act, when purchased by the United States, shall be and the same is hereby ceded to the United States, to continue so long and no longer than the United States shall own and occupy the said land.

Ohio to retain concurrent jurisdiction in certain matters.

SECTION 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of Ohio shall retain concurrent jurisdiction with the United States in and over said land, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Ohio, against any person or persons charged with any crime, misdemeanor or offense committed within said state, including said land, may be served and executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States; and also, upon the further condition that all persons who are now residing or shall hereafter reside upon said lands so acquired, shall, subject to the general laws of this state, be deemed and held to be citizens of the state of Ohio, entitled to all the privileges, and subject to all the liabilities and duties of citizens of this state;

and the taking possession of said lands by the United States shall be taken and held as an acceptance on the part of the United States of all the stipulations, conditions and terms of this act.

When jurisdiction shall vest, etc.

SECTION 4. The jurisdiction ceded by this act shall not vest until the United States has acquired the title of said lands by purchase or otherwise, and so long as said land shall remain the property of the United States and no longer, the same shall be exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

SECTION 5. This act shall take effect from its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
153G

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[House Bill No. 1617.]

## AN ACT

**To authorize the council of any city of the fourth grade of the second class, to construct a system of water-works for said city and to issue its bonds to provide for the payment of the same.**

Cities of fourth grade, second class, may issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the fourth grade of the second class, be and the same is hereby authorized and empowered to purchase or lease the necessary land and water privileges and to construct a system of water-works for, and to issue the bonds of, said city, in any sum necessary to purchase or lease the necessary land [and] water privilege and to construct such system of water-works, but in no case to exceed fifty thousand dollars, such bonds to bear interest at a rate not to exceed five per cent. per annum, interest payable semi-annually, as the council of said city may by resolution or ordinance provide, said bonds to be issued at such time or times not exceeding one year from the passage of this act, and in such amounts and be of such denominations as such council may by resolution or ordinance provide. Said bonds to be made payable at such time or times as such council may by resolution or ordinance provide, but in no case to be less than five years, nor more than thirty years from the date of their issue, and which said bonds shall not be sold for less than their par value and accrued interest in cash, the proceeds of which said bonds shall be used for no other purpose than that of purchasing or leasing the necessary land and water privilege and constructing such system of water-works, and paying the expenses incident to such establishment, construction and completion. Said bonds shall be signed by the mayor and attested by the clerk of said city, and have the seal of each of said officers affixed; and when said bonds or any of them are sold, the proceeds thereof shall be paid to

the treasurer of said city, who shall hold and disburse the same as other city funds are by him held and disbursed.

Levy of tax.

SECTION 2. If any bonds of said city be issued as herein provided, the council of said city is hereby authorized and required, annually thereafter, until the same and interest thereon shall be fully paid, to assess and levy a tax on all the taxable property within the corporate limits of said city, sufficient, in addition to the taxes now or which may hereafter be authorized by law, to provide for the payment of interest accruing upon the bonds so issued, and also to provide, by means of a sinking fund or otherwise, for the payment of the principal of such bonds as they mature, which said levy shall be placed upon the tax duplicate of said county and collected as other taxes; provided, that said levy shall not in any one year exceed four mills on each dollar of property subject to taxation in said city. The net earnings of said water-works may be applied to the enlargement or extension of the works or of the reservoirs, the payment of the interest of any loans made for their construction or for the creation of a sinking fund for the liquidation of the debt, as the council or board of water-works trustees of said city may from time to time by resolution order.

Earnings of water-works may be used.

Question to be submitted to vote.

SECTION 3. Before such bonds are issued or tax levied, the question of issuing said bonds and the levying of a tax to pay said bonds, the same shall be submitted to a vote of the qualified electors of said city at a regular or special election called for that purpose, as the council of said city may order. Notice shall be given of the time and places of holding such election, in a newspaper of general circulation in said city, or by notice posted up at five of the most public places in said city. Those in favor of the construction of water-works and the issue of bonds shall have written or printed upon their ballots the words, "For the issue of bonds." Those opposed to the construction of water-works and the issue of bonds shall have written or printed upon their ballots the words, "Against the issue of bonds." The election shall be held in accordance with the election laws of the state, but the poll-book and returns thereof shall be made to the city clerk, who shall present them to the city council at its first regular or special meeting held after said election, when the same shall be opened and canvassed and the result declared and entered upon the minutes of said council. If it shall appear that a majority of the ballots cast at such election were in favor of water-works and the issuing of bonds then the council of said city shall have the authority to issue the said bonds and levy the said tax as provided in this act, and not otherwise.

Council to act until election of water-works trustees, etc.

SECTION 4. Until the election and qualification of a board of water-works trustees as provided by statute, the council of said city is hereby vested with all the power and authority of a board of water-works trustees, and is hereby authorized and empowered to advertise for and accept the lowest and best bid received for the construction of said works or any part thereof, to make all contracts necessary for the construction, repair, and management of said water-works; provided, that said council shall receive no salary or

pay for said services, and the construction, control, repair and management of said water-works shall devolve upon the council of said city until a board of water-works trustees shall be duly elected and qualified; provided, that the council of said city have, prior to the passage of this act, or before the election and qualification of said board of water-works trustees, fully complied with the provisions of section 2419 of the Revised Statutes of Ohio, 1880; and for the purpose of carrying out more fully the provisions of this act, said council or board of water-works trustees shall not be governed in the execution thereof by sections 2683 or 2689*a*, but they shall be governed, however, by the provision of section 2702 of the Revised Statutes so that no contract shall be entered into for the construction of said water-works until said bonds are sold and the money in the hands of the city treasurer.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
154G

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[Senate Bill No. 566.]

## AN ACT

**To supplement section 2926 of the Revised Statutes, and relating to April elections in cities where registration is required by law.**

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2926 of the Revised Statutes be supplemented by a supplemental section with sectional numbering as follows:

April and other elections.

Sec. 2926*v*. The preceding provisions shall extend to the April election, or any other public election authorized by law to be held in any city of the first and second class, as follows:

Registration for such elections.

1. There shall be no general registration as provided in sections 2926*h* and 2926*i*, except that on Friday and Saturday in the second week before any such election, the registrars for each precinct shall obtain the last preceding registers made by them from the board of elections, and attend at the place in such precinct appointed for registration of electors between the hours herein directed for the purpose, and receive applications for registration by such qualified electors residing therein as are not already registered, and if qualified, shall enter the same in the registers, subject to the same rules and conditions as herein prescribed as to general registration; and on such days shall also perform the same duties as prescribed in section 2926*m*. Between the first day of March and the Thursday in the second week before the April election the secretary of the board of elections shall be the registering officer, and shall perform the duties required in section 2926*h*,

both as to electors who will be absent, and as to affidavits of absentees; and on the days for revisions of the registration, the registrars shall receive affidavits of sick or disabled electors as required in section 2926*i*. The board of elections may, during the week previous to the April election issue orders for registration, which orders, if presented at the meeting for organization, held Saturday evening before the April election, shall be received by the registrars and be disposed of as required in section 2926*m*. And any additions or changes then entered by them in their registers, shall also be made in the duplicate list of voters, which, after being carefully compared with the registers and with each other shall be produced by them, together with the registers of such precinct at the opening of the polls on the day of election, and then be used, applied and disposed of by the judges in all respects as directed in section 2926*o*.

Additions to or changes in registers.

2. At seven o'clock in the evening of the Saturday next preceding any such election the registrars for each and every precinct, and the other two judges of election shall meet at the polling place therein appointed for such election, and shall then and there organize as a board of judges and perform the other duties prescribed in section 2926*n* and in the manner therein directed.

Organization of board of judges.

3. The poll-book required by section 2926*q* [2926*r*] to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed by them to the "board of canvassers" of such city, and not of the county, and deliver[ed] to the city clerk of such city, and not the clerk of the court of common pleas.

Poll-book: how to be addressed and delivered.

4. The board of canvassers of elections in each such city shall be composed of the said board of elections and the city clerk of such city. Within four days after the April election in such city, every year, or after any special election the said "board of canvassers" shall meet at the office of the board of elections of such city, at ten o'clock in the forenoon, at the call of the chairman of the said board of elections and organize by electing a chairman and secretary; the returns received by the city clerk shall then be produced by him and opened and canvassed by the board of canvassers as prescribed in section 2926*r* and by law.

Board of canvassers: duties of.

5. Whenever a new ward has been created, or the boundaries of any ward or precincts have been changed after the general registration, and before the April election following, it shall be the duty of the board of elections to appoint election officers, rearrange the voting precincts, provide for registration of electors not already registered, make new registers, and certify the registration of registered electors whose voting precinct has been changed and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters. Section 2926*h* of the Revised Statutes, so far as it may conflict with section 2926*v* shall not apply to cities of the second grade and second class.

New or altered wards and precincts.

Cities second grade, second class.

Repeals, etc.

SECTION 2. "An act to supplement section 2926 of the Revised Statutes, and relating to April elections in cities where registration is required by law," passed March 6, 1891, is hereby repealed and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
155G

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[Senate Bill No. 496.]

## AN ACT

**To amend section 2264 of the Revised Statutes of Ohio, as amended March 5, 1890.**

Assessments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2264, as amended March 5, 1890, be so amended as to read as follows:

Assessments which may be made special.

Sec. 2264. In the cases provided for in the last section, and in all cases where an improvement of any kind is made of an existing street, alley or other public highway, the council may decline to assess the costs and expenses in the last section mentioned or any part thereof, or the costs and expenses or any part thereof of such improvement, except as hereinafter mentioned, on the general tax list, in which event such costs and expenses or any part thereof which may not be so assessed on the general tax list, shall be assessed by the council on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefit which may result from the improvement, or according to the value of the property assessed or by the foot front of the property bounding and abutting upon the improvement, as the council by ordinance setting forth specifically the lots and lands to be assessed may determine before the improvement is made, and in the manner and subject to the restriction herein contained; and the assessments shall be payable in one or more installments, and at such times as the council may prescribe; but this section shall be subject to the provisions of chapter two of this division, and in cities of the first and third grades of the first class, at the time when the council determines that the cost of such improvement is to be assessed as above provided, it shall also determine in how many installments said assessments shall be payable; at what intervals, if payable in more than one installment; also whether or not bonds shall be issued in anticipation of such assessment; and when bonds are issued in anticipation of the collection of such assessment, the interest accrued and to accrue on said bonds shall be considered and treated as part of the costs and expenses of such improvement for which assessments may be made. In cities of the third grade of the first class, such assessments, when

Installments.

Cincinnati and Toledo.

made, shall become due and payable at the time and in the manner provided by the council, and if said assessments or any installment thereof shall not be paid at the time the same becomes due, a penalty of fifteen (15) per centum shall thereupon attach to such unpaid assessment or installment, and thereafter such unpaid assessment or installment shall bear interest until the payment thereof at the same rate as the bonds issued in anticipation of the collection of such assessment; and the county auditor shall, annually, place upon the tax duplicate the penalty and interest herein provided for. When the council of said cities of the third grade of the first class shall determine to issue bonds in anticipation of the collection of assessments provided for in this section or required by section twenty-two hundred and seventy-four (2274), the provisions of section two thousand seven hundred and two (2702) shall not apply; nor shall said section 2702 apply when a part, not in excess of one-third of the cost and expenses of any such improvement or appropriation is to be paid by any such city by levy or assessment upon the general tax-list, issue of bonds, or otherwise, as may be provided by law; and any such city of the third grade of the first class is hereby authorized to issue and sell its general street improvement bonds at a rate for interest not in excess of five (5) per cent. per annum, payable semi-annually, to pay for the city's part or share as aforesaid, of the cost and expense of any such improvement and appropriation, and may levy taxes, in addition to the tax now by law authorized to be levied therein or make assessments as provided in the preceding section to pay such bonds and interest thereon.

Certain sections shall not apply to Toledo, etc.

SECTION 2. That said section 2264, as amended March 5, 1890, is hereby repealed; and this act shall be in force from and after its passage.

Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
156G

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[Senate Bill No. 552.]

AN ACT

To amend sections 3630 and 3630*e* of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3630 and 3630*e* of the Revised Statutes be so amended as to read as follows:

Life insurance companies:

Sec. 3630. A company or association may be organized to transact the business of life or accident or life and accident insurance on the assessment plan, for the purpose of mutual protection and relief of its members, and for the payment of stipulated sums of money to the families, heirs, executors, administrators, or assigns of the deceased members of such company or association, as the member may direct, in such

Mutual protection companies or associations: powers.

manner as may be provided in the by-laws, and may receive money either by voluntary donation or contribution, or collect the same by assessments on its members, and may accumulate, invest, distribute and appropriate the same in such manner as it may deem proper; that all accumulations and accretions thereon shall be held and used as the property of the members and in the interest of the members, and shall not be loaned to, used, appropriated, or invested for the benefit of any officer or manager of such company or association; and provided, that no company or association shall issue a certificate for a greater amount than such company or association shall be able to pay from the proceeds of one assessment; and such company or association shall not be subject to the preceding sections of this chapter. Associations organized under this section (3630) may change or amend their constitution or by-laws by the assent thereto in writing of a majority of the members, or by a majority of those present, in person or by proxy, at a meeting held for that purpose, thirty days' notice of such meeting having been given with the proposed changes in full by the acting president personally or by letter mailed to each member, provided, however, that such change shall not take effect or be in force until the same has been submitted to, and approved by the superintendent of insurance. Such associations may provide in their by-laws that there shall be not less than five nor more than fifteen trustees, whose term of office shall not be more than three years. If the term be made more than one year, the by-laws may provide for electing at the first election a portion of them for one year, a portion of them for two years and a portion of them for three years, and thereafter elections shall be for a term of three years. Such associations by their regulations or by-laws may provide for—

Accumulations and accretions.

Amendment of constitution or by-laws.

Trustees.

What by-laws and regulations may provide.

1. The time, place and manner of calling and conducting their meetings.

2. The number of members constituting a quorum.

3. The time of the annual election for trustees and the mode and manner of giving notice thereof.

4. The duties and compensation of officers.

5. The manner of election, or appointment, and tenure of office of all officers; the tenure of the trustees shall not be for more than three years, one-third of whom may be elected annually. The provisions of sections 3251 and 3252 shall not apply to associations organized under section 3630.

6. Provided, however, that nothing herein shall be construed to affect or impair the powers or franchises of corporations, companies or associations heretofore organized under the provisions of original section 3630, or under the said section as heretofore amended; and provided also, that such companies or associations may avail themselves of the provisions of this act by amendment of their articles of incorporation as provided in section 3238*a*.

Rules under which foreign corporations or associa-

Sec. 3630*e*. Any corporation, company or association organized under the laws of any other state of the United States to transact the business of life or accident or life and

accident insurance on the assessment plan, shall, as a condition precedent to transacting business in this state, comply with the following conditions, to-wit: Deposit with the superintendent of insurance (1) a certified copy of its charter or articles of incorporation; (2) a certificate from the insurance commissioner, or superintendent of its own state showing its authority to do such business; (3) a certificate from said commissioner or superintendent or other like authority of its own state that corporations, companies or associations of this state engaged in life or accident insurance on the assessment plan as the case may be, are, upon complying with the laws of said state, legally entitled to do business in such state; (4) a statement under the oath of its president and secretary or like officers, in the form by the superintendent of insurance required, of its business for the preceding year; (5) a certificate under the oath of its president and secretary, or like officers, that such corporation, company or association is paying, and for the twelve months next preceding has paid the maximum amount named in its policies or certificates; (6) a copy of its policy or certificate, application and by-laws, which must show that the liabilities of the assured or members are not limited to fixed or artificial premiums; (7) evidence satisfactory to said superintendent that such corporation, company or association has accumulated and maintained a fund securely invested in securities permitted by the law of its incorporation, not less in amount than the proceeds of one periodical payment by, or an assessment on all certificate or policy holders thereof, and that such fund is held solely for the benefit of certificate or policy holders and can only be used for the purposes provided in the laws of the state where incorporated; provided, that said fund in the case of accident companies or accident associations shall not be less than five thousand dollars, and need not be more than ten thousand dollars; (8) that such corporation, company or association, except it be an accident insurance corporation, company or association, does not issue certificates or policies upon the life of any person more than sixty-five years of age, or upon any life in which the beneficiary named has not a legal insurable interest; provided, license to do business in this state shall not be delivered to any such corporation, company or association until it shall have filed with the superintendent of insurance an appointment of an attorney within this state upon whom service of process may be had. The superintendent of insurance shall thereupon issue to such corporation, company or association a certificate of authority to transact its business in the state of Ohio, which said certificate of authority must be renewed annually, and it shall be the duty of the superintendent of insurance to refuse such certificate to any such corporation, company or association, when in his judgment such refusal will best promote the public interest; provided, that all decisions by him made shall be subject to review by courts of competent jurisdiction. And said authority shall be revoked whenever the superintendent of insurance on investigation or examination finds that such cor-

tions may do business in this state.

Certificate of authority to transact business.

Revocation of certificate.

poration, company or association is not paying the maximum amount named in its policies or certificates in full; that said corporation, company or association is transacting business fraudulently or illegally, or that the statement of its condition and affairs required under the provisions of this section are false and fraudulent, or for failure to file the annual statement; and upon such revocation, the superintendent shall cause notice thereof to be published for four weeks in some newspaper published in the county of Franklin, and no new insurance shall thereafter be written by such corporation, company or association or any of its agents in this state; provided, that it shall be unlawful for any agent of such corporation, company or association to transact business in this state without being first regularly appointed thereby and being licensed by a certificate of authority issued by the superintendent of insurance. Each such corporation, company or association shall, annually thereafter, and on or before the first day of March, make and file in the office of the superintendent of insurance a statement in the form by said superintendent required of its business for the twelve months next preceding the thirty-first day of December. The fees to be paid by each such corporation, company or association to the superintendent for the authority to such corporation, company or association and its agents under the license granted by him to each corporation, company or association, to transact business in the state of Ohio, shall be as follows: For filing copy of charter or articles of incorporation, twenty-five dollars; for filing each annual statement, twenty dollars; for issuing certificate of authority or license to company or association, one dollar; for issuing license to each agent, one dollar; for affixing seal and certifying any paper, one dollar. Provided, that any company or association may pay to the superintendent the sum of twenty-five dollars for licenses to its agents for the year, and by so doing shall be entitled without further charge to licenses for as many agents as it may choose to appoint; provided, also, that when any other state or country shall impose any obligations in excess of those imposed by this act upon any such corporation of this state, a like obligation shall be imposed on similar corporations, and their agents, of such state or country doing business in this state; and provided, also, that such corporation, company or association in transacting business in this state shall be subject only to section 3630 of the Revised Statutes and the section[s] supplementary thereto; and provided further, that such corporation, company or association shall be authorized to transact in this state the business of life or accident or life and accident insurance on the assessment plan, for the purpose of mutual protection and relief of its members, and for the payment of stipulated sums of money to the families, heirs, executors, administrators or assigns of the deceased members of such corporation, company or association as the member may direct, notwithstanding such corporation, company or association may have been organized on the assessment plan and authorized by the laws governing it to issue policies insuring lives on the plan of assessment upon surviving members without limitation. Whenever any officer

Annual statement.

Fees to be paid to superintendent of insurance.

Obligations to be equal to those imposed by other states.

Companies and associations may do life and accident business on assessment plan.

Penalties.

or agent of any such corporation, company or association shall fail or neglect to comply with or violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in a county jail for not more than thirty days or both, at the discretion of the court.

SECTION 2. Said original sections 3630 and 3630*e* are hereby repealed; and this act shall take effect on its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
157G

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[House Bill No. 1220.]

AN ACT

To amend section 1284 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1284 of the Revised Statutes be amended so as to read as follows:

Sec. 1284. Annual salaries shall be allowed as follows: To the governor, eight thousand dollars; private secretary of the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant-general, two thousand dollars; assistant adjutant-general, fifteen hundred dollars; lieutenant-governor, eight hundred dollars; judges of the supreme court and supreme court commission, four thousand dollars each; judges of the common pleas courts and of the superior courts, twenty-five hundred dollars each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney-general, fifteen hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each, three hundred dollars; physician of same, three hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matron and teachers of same, each, four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matron of same, four hundred dollars; superintendents of asylums for the insane, each, twelve hundred dollars; assistant physicians of same, each, seven hundred dollars; stewards of same, each, eight hundred dollars; matrons of same, each, four hundred dollars; superintendent of boys' industrial school, twelve hundred dollars; Salaries of state and other officers.

matron of same, four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars, and for service while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, eighteen hundred dollars; and state commissioner of common schools, two thousand dollars.

Repeals.

SECTION 2. That said original section 1284 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
158G

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[House Bill No. 1460.]

AN ACT

To abolish the office of street commissioner in certain cities of the third and fourth grade, second class, and to create the office of street superintendent.

Office of street commissioner abolished in certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second class, third grade, which at the federal census of 1890 had, or at any subsequent federal census shall have, a population of not less than 27,690 nor more than 27,720, and cities of the second class, fourth grade, which at the federal census of 1890 had, or at any subsequent federal census shall have, a population of not less than 6,490 nor more than 6,515, the office of street commissioner is abolished and in lieu thereof there is created the office of street superintendent. The said street superintendent shall be appointed by the council or a majority thereof. He shall be appointed for such time, not to exceed one year, as the council may see proper and may be removed from office at any time a majority of the council may, by vote, determine upon; and his successor appointed as herein provided.

Office of street superintendent created.

Compensation, etc.

SECTION 2. He shall receive such compensation as may be agreed on by the council. He shall be under the control and direction of the street committee of the council and shall make reports to the council at such times as it may require.

Statute ... seded, c...

SECTION 3. Section 1707 of the Revised Statutes in so far as the same conflicts with this act shall be held void, as well as all other sections or acts which may be found to con-

flict with this act. And this act shall take effect and be in force on and after the 6th day of April, 1891.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
159G

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[Senate Bill No. 526.]

AN ACT

To amend section 2 of an act entitled "An act authorizing the burial of the body of any honorably discharged ex-union soldier, sailor or marine of this state, who shall hereafter die without leaving means sufficient to defray funeral expenses," passed April 11, 1884.

Military affairs:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the above recited act be so amended as to read as follows:

Duties of persons in charge of burial of indigent soldiers and sailors.

Sec. 2. It shall be the duty of the persons so appointed in the foregoing section before they assume the charge and expense of any such burial, that they first satisfy themselves by a careful inquiry into, and examination of, all the circumstances in the case, that the family of such deceased soldier is unable, for want of means, to defray the expenses of such funeral or burial, or that in defraying such expenses, the family will be deprived of means necessary for immediate support, whereupon, if they find such inability to exist, they shall cause to be buried such soldier, sailor or marine, as provided in section one of this act; and they shall, also, immediately report the same to the county commissioners of their county, setting forth the fact that they found the family of such deceased soldier in indigent circumstances, and unable to pay the expenses of burial, together with the name, rank and command to which he belonged as a soldier or sailor, the date of death, the place where buried, and his occupation while living; and also an accurately itemized statement of the expenses incurred by reason of such burial, the report to be duly attested by three reputable persons, residents of the township or ward in which the deceased soldier lived, knowing the facts of the indigency and inability of the family to defray said funeral expenses.

Repeals, etc.

SECTION 2. That section 2 of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 1, 1891.
160G

[Senate Bill 611.]

AN ACT

Relative to erecting a memorial tablet to mark the achievements of th eighth Ohio volunteer infantry on the battle-field of Gettysburg.

Preamble.

WHEREAS, A tablet is to be erected on the battle-field of Gettysburg to mark the spot known as the high water mark of the rebellion, the same being the farthest limit reached by Longstreet's charge on Cemetery ridge during the afternoon of July 3d, 1863. And

WHEREAS, The said tablet will be inscribed with the names of the regiments which took part in repulsing said charge, and will be paid for by contributions from the different states represented by the said regiments. And

WHEREAS, On the occasion of said charge the eighth Ohio volunteer infantry, commanded by Col. Franklin Sawyer, performed conspicuous and gallant service by attacking the charging column in flank, capturing many prisoners and battle-flags.

Appropriation for memorial of eighth O. V. I. at Gettysburg.

SECTION 1. *Therefore be it and is hereby enacted by the General Assembly of the State of Ohio*, That from any moneys in the treasury of the state, not otherwise appropriated, the sum of two hundred dollars be, and the same is hereby appropriated as a contribution from the state of Ohio for the erection of said tablet, said sum to be paid to the treasurer of the battle-field memorial association at Gettysburg, whenever said tablet, with inscriptions suitably commemorating the services of the eighth Ohio volunteer infantry on the afternoon of the 3d day of July, 1863; and the tablet shall be completed to the satisfaction of said battle-field memorial association of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 1, 1891.
161G

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[House Bill No. 1597.]

AN ACT

To supplement section 2491 of the Revised Statutes of Ohio by enacting section 2491*b*.

Gas companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2491 of the Revised Statutes of the state of Ohio be supplemented by enacting section 2491*b* as follows, to-wit:

Cost of natural gas pipe extension in certain cities (Toledo) to be

Sec. 2491*b*. That in cities of the third grade of the first class, the council shall, upon recommendation of the board of natural gas trustees, provide for assessing the cost and ex-

pense of laying or extending pipes with necessary fittings for the distribution of natural gas for heating and illuminating purposes upon the lots and lands bounding and abutting upon the streets, alleys, lands, highways, market-spaces, public landings and commons, in or along which said gas-pipe may be laid or extended, by the foot front, or according to the valuation on the tax-list, or according to the benefits, as they shall determine in each instance. Provided, however, that such assessments shall not exceed the sum of fifty (50) cents per front foot on each side of any such street, alley, lands, highways, market-spaces, public landings or commons. One-half ($\frac{1}{2}$) of said assessment shall be payable within ten (10) days from date of comfirmation thereof and the remainder within one year thereafter. A certified copy of said assessment shall be at once furnished by the city clerk to the board of natural gas trustees. Provided further, that the owner of such assessment or assessments may collect the same in the same manner in which other assessments are collected, and any person who pays said assessment, or any part thereof, shall be entitled to receive a voucher therefor upon a form to be approved by the natural gas trustees of said city. Such voucher shall be received by the board of natural gas trustees at all times in payment at regular rates for gas furnished from the pipe or pipes for which such assessment was levied. Provided that when the board of natural gas trustees shall determine to lay or extend any pipe or pipes with necessary fittings for the purpose of distributing natural gas for heating or illuminating purposes within the corporate limits of such city, or to have the same laid and constructed, the provisions of section 2702 of the Revised Statutes shall not apply to any contract which said board may enter into for such purpose or purposes.

assessed on adjoining property.

Limit of assessment, etc.

SECTION 2. That this act shall take effect on its passage

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 1, 1891.
162G

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[Senate Bill No. 631.]

## AN ACT

To amend section one of an act entitled an act to authorize certain incorporated villages herein designated, to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in the said incorporated villages, and for other public improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled an act to authorize certain incorporated villages herein designated to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in said incorporated villages, and for other public improvements, be amended so as to read as follows:

Municipal corporations:

Certain villages (Ashland) authorized to issue bonds.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village of not less than thirty-five hundred and sixty, nor more than thirty-five hundred and eighty in any county, which at the last federal census had a population of not less than twenty-two thousand two hundred, nor greater than twenty-two thousand two hundred and thirty-five, or which at any future federal census may have such population, be and the same is hereby authorized and empowered to issue the bonds of such incorporated village in any sum not exceeding one hundred thousand dollars, in denominations not exceeding one thousand dollars each, bearing interest not exceeding six per cent. per annum, payable semi-annually, and payable at any time not exceeding twenty-five years from the date of their issue, as the council of said incorporated village determine. Said bonds shall be sold at not less than their par value, and in all respects not herein provided for in accordance with the provisions of section 2709 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
163G

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[Senate Bill No. 636.]

AN ACT

To authorize certain cities of third grade, second class, to lease wharves and docks upon the navigable waters of any such cities.

Certain cities (Sandusky) may lease wharves, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the third grade, second class, having a population of not less than 15,836, nor more than 15,840, at the federal census of 1880, or that may have such population at any subsequent federal census, be and hereby is authorized to lease any wharf, dock, basin, or landing-place upon its navigable waters, and belonging to said corporation, on such terms and for such time as may be provided for by ordinance, without having to advertise for bids.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
164G

[House Bill No. 176.]

## AN ACT

**Requiring railway or railroad companies to build and keep in repair highway crossings.**

Railroad companies must build and maintain highway crossings, sidewalks, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all railway or railroad companies operating a line or lines of railway in this state, shall build or cause to be built, and keep in repair good and sufficient crossings over, or approaches to such line or lines of railway, its tracks, sidetracks and switches, at all points where any public highway, street, lane, avenue, alley, road or pike is now or may hereafter be intersected by such lines of railway, its tracks, sidetracks or switches. And also good and sufficient sidewalks on both sides of streets intersected by their roads, the full width of the right of way owned, claimed or occupied by them; and as to crossings and approaches outside of municipal corporations, the township trustees shall have power to fix and determine the kind and extent thereof, and the time and manner of constructing the same; and as to crossings, approaches and sidewalks within municipal corporations, the municipal councils shall have and exercise the same powers as trustees concerning crossways and approaches outside of municipalities, and such crossways, approaches and sidewalks shall be constructed, repaired and maintained by the railroad companies as so ordered.

Service of notice on railroad companies.

SECTION 2. It shall be the duty of the officer or officers having charge of any public highway, street or alley intersected by any line of railway, to serve a written notice upon the nearest station agent or section foreman having charge of that portion of the railway where such intersection occurs, that such crossing, approach or sidewalk as herein described shall be built or repaired, setting forth the kind and extent thereof, and time and manner of constructing the same, as ordered by the council or trustees.

When crossings, sidewalks, etc., must be completed, etc.

SECTION 3. It shall be the duty of any railway company so notified, to comply with said notice within a period of thirty (30) days from and after receiving such notice, and on failure so to do, the township trustees, or council as the case may be, may cause such crossing, approach or sidewalk to be constructed or repaired as before ordered, and may recover the cost of so doing with interest thereon, in a civil action against the railroad company, in the name of the trustees or municipality as the case may be, before any court of competent jurisdiction.

Crossings must be kept clear of snow.

SECTION 4. It shall be the duty of all railway companies owning or operating any line of railway within the limits of the state of Ohio to, at all times, keep all public highways now or hereafter crossing such line of railroad, clear of snow, so that the same shall at all times be in a safe and convenient condition for travel for a distance of fifty (50) feet each way from the center of said railroad along such highway.

Penalties.

SECTION 5. Any railroad company which shall neglect to comply with the terms of this act, shall be liable to pay

damage to the city, village, town or township in which the highway is situated in the sum of thirty ($30) dollars for such neglect, and a further sum of ten ($10) dollars per day for each and every day such railroad company fails or neglects to comply with the terms of this act, the same to be recovered in an action brought in the name of the city, village, town or township as the case may be. It is hereby made the duty of the prosecuting attorney of the county to prosecute to judgment any claim arising under the foregoing provisions, without any charge to the said city, village, town or township.

Repeals.

SECTION 6. That any act or parts of acts conflicting with this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
165G

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[House Bill No. 334.]

## AN ACT

To amend sections 590 and 591 of the Revised Statutes.

Justices of the peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 590 and 591 of the Revised Statutes of Ohio be so amended as to read as follows:

Cases in which they have jurisdiction.

Sec. 590. Justices shall have jurisdiction in actions in which the title to real estate may be drawn in question:

1. In actions for trespass on real estate where the damages demanded for such trespass do not exceed one hundred dollars.

2. In actions to recover from the owner or owners of adjoining land, their equal proportion of the expense incurred in obtaining evidence under section eleven hundred and ninety-two.

Cases in which they have no jurisdiction.

Sec. 591. Justices shall not have cognizance of any action:

1. To recover damages for an assault, or assault and battery; or,

2. In an action for malicious prosecution; or,

3. In actions against justices of the peace or other officers, for misconduct in office, except in the cases provided for in this chapter; or,

4. In actions for slander, verbal or written; or,

5. In actions on contracts for real estate; or,

6. In actions in which the title to real estate is sought to be recovered, or may be drawn in question, except in the cases provided for in the last preceding section.

SECTION 2. Said original sections 590 and 591 are hereby repealed; and this act shall take effect from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
166G

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[House Bill No. 1071.]

AN ACT

To amend section 341 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 341 of the Revised Statutes of Ohio be amended to read as follows: Supervisor of public printing:

Sec. 341. That it shall be the duty of the secretary of the state board of agriculture to furnish to the supervisor of public printing all matters for the annual volume of the state agricultural report, not later than March 15th of each year, and it shall be the duty of the commissioners of public printing to so arrange in letting contracts for public printing, folding, stitching and binding that the agricultural reports of the state shall be completed and delivered to the secretary of state by the first day of June, annually, and to be by him forwarded to the parties entitled to receive the same by the first day of July following. Agricultural reports shall be printed and distributed by July 1st.

SECTION 2. Said original section 341 of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
167G

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[House Bill No. 1155.]

AN ACT

To supplement section 341 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted supplementary to section 341 of the Revised Statutes of the state of Ohio, with sectional numbering as follows: Supervisor of public printing:

Sec. 341*a*. The bulletins of the Ohio agricultural experiment station shall be printed under the direction of the supervisor of public printing, and paid for out of the appropriation for state printing; said bulletins to be printed Bulletins Ohio agricultural experiment station.

in advance of other matter, except crop reports of the state board of agriculture; provided, that the average monthly edition of such bulletins shall not exceed sixty thousand copies; that the total number of pages in such bulletins, and the annual report of the stations, shall not exceed five hundred in any one year; said bulletins to be delivered by the supervisor of public printing to the director of the experiment station, and by him distributed; provided, that each member of the general assembly shall be entitled to three hundred copies of each issue of such bulletins, to be delivered to him, or to be forwarded to the persons whose names are given said director by each of said members.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
168G

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[House Bill No. 1161.]

AN ACT

To amend section 5837 of the Revised Statutes.

Sureties:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5837 be so amended as to read as follows:

Sureties of county officers may apply to be discharged.

Sec. 5837. A surety of a sheriff, auditor, probate judge, county treasurer, clerk of the court of common pleas, recorder and coroner, or infirmary director, may at any time notify the county commissioners by giving at least five days' written notice that he is unwilling to continue as surety for such officer, and will, at a time to be therein named, make application to the commissioners to be released from further liability upon his bond; and he shall also give at least three days' written notice to such officer of the time and place at which such application will be made.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
169G

[House Bill No. 1296.]

AN ACT

To amend sections one and eight of an act entitled "An act to amend sections one and eight of an act to provide for the improvement of streets and alleys in cities of the first grade of the second class, passed May 11th, 1886, and to extend its provisions to villages and cities having a population of 4,633 at the census of 1880," and passed April 15th, 1889 (86 vol. O. laws, 319), and to amend section two of said act passed May 11th, 1886 (83 vol. 140, Ohio laws), and to extend the provisions of said act of May 11th, 1886, to villages and cities having a population of 3,940 at the census of 1880.

Streets:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of said act passed April 15th, 1889, be amended so as to read as follows:

Improvement of streets and alleys in certain cities and villages (Columbus, Findlay and Kenton).

[Sec. 1.] That in cities of the first grade of the second class and in villages and cities having a population of 4,633 at the census of 1880, and in villages and cities that have a population of 3,940, at the census of 1880 and which by any subsequent federal census may have a total population of 3,940 shall have authority to cause any of the streets or avenues or parts thereof of said cities or villages to be paved with granite, or other stone block, asphalt or other permanent material, and the alleys or any part thereof with cobble-stones or boulders, and whenever needed in connection therewith to curb and gutter said streets, avenues or alleys, and to ordain that said improvements shall be paid for and assessed upon the property abutting on the same in accordance with the various provisions of this supplement, and in accordance with the various provisions of law now enacted or hereafter enacted applicable thereto and not inconsistent with this act.

SECTION 2. That section two of said act passed May 11th, 1886, be amended so as to read as follows:

Council may issue bonds.

Sec. 2. That in order to provide for the payment of the costs and expenses of said improvement to be assessed upon the abutting property the councils may from time to time (as such improvement progresses) issue the bonds of such villages or such cities in such sums as will be required, in all not exceeding the amount of the contract price of said improvements and the expenses attending the same and interest as hereinafter provided for; said bonds shall be issued as other bonds of such cities are issued, but they shall bear the name of the street or avenue or alley to whose improvement they are issued, and shall state therein that they are to be paid by an assessment upon the property abutting on said improvement, and may also issue bonds in like manner in said villages and cities which have said population of 3,940 at the census of 1880, or which may have said population of 3,940 at any subsequent federal census, to pay the costs and expenses of paving the intersection and crossings of streets, avenues and alleys in making said improvements in said streets, avenues and alleys from time to time not exceeding in amount the contract price of the same and the expense thereof with the interest on said bonds and for such additional amount for said improvements of said streets, avenues and

alleys as the council of said village or city may by ordinance provide for in making said improvements as aforesaid, and the councils of said villages and cities may levy a tax of not exceeding two mills in addition to the amount now allowed to be levied by law, on each dollar of all the property for taxation within the corporate limits of the village or city, having a population of 3,940, at the census of 1880, to pay the interest on said bonds and the principal thereof when said bonds become due, and for the costs and expenses of said crossings and intersections in said streets, avenues and alleys in said villages and cities and for such amount of the expense of said improvement on said streets, avenues and alleys as the council of said villages or cities may provide by ordinance to be paid thereby, which shall be levied and collected as other taxes; said bonds shall extend over a period of at least eight years, to be provided in the ordinance directing the improvement, and they shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first day of July and January, and the principal and interest payable at the office of the city treasurer.

Levy of tax.

SECTION 3. That section eight of said amended act passed April 15th, 1889, be so amended as to read as follows:

Street commissioners and superintendent.

Sec. 8. When such ordinance is enacted the councils of such cities of the first grade of the second class and the councils in cities and villages having a population at the census of 1880 of 4,633 and cities and villages having a population at the census of 1880 of 3,940, may designate two or more owners of property abutting on said improvement who with the city civil engineer shall constitute a board which after the contract for improvement has been made by the council under section 2303, may elect a superintendent, who shall see that the contract is performed according to its true meaning and intent and all the orders of the engineer in furtherance thereof are obeyed. When completed, the said superintendent and engineer shall certify to the same, and shall make a proper plat and assessment for said improvement on the abutting property, the property-owners on such board shall serve without compensation, but the superintendent shall be paid such compensation as shall be agreed upon by said board, and such payment shall be a part of the costs of said improvement.

Repeals, etc.

SECTION 4. That said sections one and eight as amended and passed in said act of April 15th, 1889, and said section two as passed in said act of May 11th, 1886, be and the same are hereby repealed.

SECTION 5. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
170G

[House Bill No. 1351.]

## AN ACT

To amend section 5394 of the Revised Statutes, as amended April 15, 1889 (O. L., vol. 86, page 377).

Execution against property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5394 of the Revised Statutes be amended so as to read as follows:

Publication of notices in German newspapers, etc.

Sec. 5394. In any county wherein is published and printed a newspaper in the German language, and which has a circulation of at least five hundred and fifty copies to bona fide subscribers within the county, the notice required by the preceding section shall, in addition to the publication therein required, be published in such newspaper in the German language, for the same time and in the same manner, if the appraised value of the property to be sold exceeds five hundred dollars, and if two or more such papers are printed and published therein, the publication may be in either, but the court shall, on motion of the plaintiff or defendant, and may without motion, for good cause, dispense with such publication, and in any county the court may, if it deem the interests of the defendant require it, direct the publication of the notice in a newspaper printed in the Bohemian language, in addition to the publication required by the preceding section; but no error or mistake in translation, or in any publication authorized by this section, shall delay proceedings, or affect the title of the property sold, and if any such error or mistake occur by the negligence of the publisher, he shall not be entitled to compensation for the publication.

Repeals, etc.

SECTION 2. Said original section 5394 is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
171G

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[House Bill No. 1398.]

## AN ACT

To supplement section 3309 of the Revised Statutes.

Railroad companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3309 of the Revised Statutes of Ohio be and is hereby supplemented as follows:

Classification of capital stock.

Sec. 3309*b*. Any railroad company hereafter formed may, in its article of incorporation, provide for the division of its capital stock into common stock and classes of preferred stock by stating therein the amount of each kind and class of stock, the par value of the respective shares thereof, and the vote which shares of each class shall have. And it may

further provide in such articles, terms and conditions of such preferred stock in addition to and not inconsistent with the provisions of section 3309.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
172G

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[House Bill No. 1432.]

AN ACT

To amend section one of an act "To create road supervisors in certain counties," passed April 15th, 1889 (vol. 86, page 324).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act passed April 15, 1889, be amended so as to read as follows:

Creating the office of township supervisor in certain counties.

Sec. 1. That in all counties in this state having a population at the federal census of 1880 of 16,326 (Lake), 14,255 (Geauga), or may have such population at a future federal census, the trustees shall, on the 23d day of March, A. D. 1891, divide the respective townships into road districts not to exceed four in any one township, and at their regular meeting on the first Monday of March annually thereafter, may make such alterations as they may deem proper, and there shall be elected on the first Monday of April, A. D. 1891, and biennially thereafter, one supervisor for each district, by the electors thereof, who shall hold his office for two years and until his successor is elected and qualified; and where the election is in common with a municipal corporation the vote for supervisor shall be taken in a separate ballot-box, furnished by the township trustees for such purpose, and only those electors shall be entitled to vote who reside within the proposed road district. Each supervisor, within five days after his election, shall take an oath or affirmation to faithfully, honestly and impartially discharge all the duties of his office, and shall enter into bonds, (payable) to the state of Ohio, in trust for the township, in the penal sum of not less than five hundred dollars, with surety to be approved by the township trustees, conditioned to fulfill the requirements of said oath, or affirmation, said bonds to be recorded by the township clerk, and when forfeited in whole or in part, to be collected with the costs, by the trustees in a civil action, and moneys so collected shall go into the road fund of the township, to be expended as other road moneys; provided however, that in all townships comprised in a single road district, the trustees may direct that no election for supervisor be held until the expiration of the term for which the present incumbent was elected.

Repeals.

SECTION 2. That section one of the above recited act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
173G

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[House Bill No. 1594.]

AN ACT

To amend sections 1, 2, 41 and 50 of an act entitled "An act to provide a more efficient government for the cities of the second grade of the first class," passed March 16, 1891, and to declare the intention of the general assembly in respect to said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 2, 41 and 50 of an act entitled "An act to provide a more efficient government for the cities of the second grade of the first class," passed March 16th, 1891, be amended so as to read as follows:

Municipal code for cities first class, second grade (Cleveland).

Sec. 1. In cities of the second grade of the first class the legislative power and authority shall be vested in a council consisting of twenty members, to be elected by districts, who shall serve for a term of two years, except that, at the first annual municipal election, there shall be elected from each district one member for the term of one year and one member for the term of two years, and annually thereafter one member shall be elected from each district for the term of two years. Members of the council shall be residents of their respective districts, and in case any member shall remove from the district for which he was elected his office shall thereby become vacant, and such vacancy shall be filled as provided by law.

Council: constitution of, and election of members.

Qualifications.

Sec. 2. For the purpose of electing such members of the council such cities are hereby divided into ten districts, as follows:

Councilmanic districts.

The first, second, third and fourth wards shall constitute the first district.

The fifth, sixth, seventh and eighth wards shall constitute the second district.

The ninth, eighteenth and nineteenth wards shall constitute the third district.

The tenth, eleventh, twelfth and fourteenth wards shall constitute the fourth district.

The thirteenth, fifteenth, sixteenth and seventeenth wards shall constitute the fifth district.

The twentieth, twenty-first, twenty-second and twenty-third wards shall constitute the sixth district.

The twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh wards shall constitute the seventh district.

The twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second wards shall constitute the eighth district.

The thirty-third, thirty-fourth, thirty-fifth and thirty-sixth wards shall constitute the ninth district.

The thirty-seventh, thirty-eighth, thirty-ninth and fortieth wards shall constitute the tenth district.

Police force: how appointed.

Sec. 41. The director shall appoint the superintendent of the police force, and within the limit prescribed by the council, such other officers and patrolmen as in his opinion the public interests require, subject to the provisions of section 5 of this act, under and in pursuance of rules and regulations providing for the ascertaining of the comparative fitness of all applicants for appointment or promotion, by a systematic, open and competitive examination of such applicants, which rules and regulations it shall be the duty of the mayor and the head of the department to make and submit to the council, and when approved by the council they shall be promulgated and enforced as permanent rules, and shall only be changed in the manner herein provided for their adoption; provided, that no officer or member of said force shall be appointed until such rules and regulations have been promulgated, except to fill any vacancy caused by death or resignation, and shall prescribe their duties. He may at his discretion, appoint any such patrolmen on probation and discharge any patrolman thus appointed within six months of the date of his appointment; provided, that if demanded by the patrolman so discharged, the cause of his discharge shall be assigned to him, in writing, by the director. He may, in case of emergency, by and with the consent of the mayor, appoint such number of special patrolmen as he may deem necessary, which appointment shall be recorded and be subject to the action of the council at its next meeting, and during their service such special appointees shall possess the powers and perform the duties of regular patrolmen, and shall receive such compensation as may be fixed by the council, for a period not exceeding five days, unless authorized for a longer period by the council.

Fire force: how appointed.

Sec. 50. The officers and members of the fire force shall be appointed by the director of fire service, subject to the provisions of section six of this act, but from and after the passage of this act no such appointment or any promotion in said force shall be lawful, except in cases of emergency, unless made under and in pursuance of rules and regulations providing for the ascertaining of the comparative fitness of all applicants for appointment or promotion, by a systematic, open, and competitive examination of such applicants, which rules and regulations it shall be the duty of the mayor and the head of the department to make and submit to the council, and when approved by the council they shall be promulgated and enforced as permanent rules and shall only be changed in the manner herein provided for their adoption; provided, that no officer or member of said force shall be appointed until such rules and regulations have been promulgated, except to fill any vacancy caused by death or resignation.

SECTION 2. All the remaining sections of said act entitled "An act to provide a more efficient government for the cities of the second grade of the first class," passed March 16th, 1891, shall remain in full force as heretofore enacted, and said act shall apply to all cities of the second grade of the first class now or hereafter existing, and it is hereby declared to be the intention of the general assembly that no section or part of said act shall be abrogated, repealed or rendered invalid by reason of the invalidity or the abrogation or repeal of any other section or part thereof.

Other sections to remain in full force, etc.

Intention of general assembly.

SECTION 3. Said original sections 1, 2, 41 and 50 of said act are hereby repealed.

Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
174G

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[House Bill No. 1608.]

AN ACT

To authorize the council of cities of the second grade of the first class to issue bonds for the construction of a police station.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second grade of the first class shall have power to issue the bonds of the corporation for $20,000 for the construction of a police station, the same to be done in manner and form as provided in chapter two, division nine, title twelve, of the Revised Statutes of Ohio, as far as the same may be applicable.

Cities second grade, first class (Cleveland), authorized to issue bonds for police station.

SECTION 2. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
175G

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[House Bill No. 282.]

AN ACT

To provide for the better care and protection of the property of imbecile or insane persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any case where, at the time any person may have been or may be adjudged imbecile or insane, there exists

Guardian of imbecile or insane person, or minor, ma

borrow money and mortgage real estate of ward, in certain cases.

one or more mortgages or judgments that are a lien on the real estate of such person so adjudged imbecile or insane, or where real estate may have descended or been devised or may hereafter descend or be devised to a minor or minors, on which one or more mortgages or judgments may exist that are a lien on the said real estate, the guardian of such person may borrow money and mortgage the real estate of such ward and any part thereof, to pay such mortgage, debts and judgments and such additional sum as shall by the court be deemed necessary to make any needed repairs and improvements on said real estate.

Petition therefor

SECTION 2. The guardian proposing to so borrow money shall file in the probate court in which he was appointed such guardian, a petition describing the real estate so encumbered, and also all the real estate of such ward, and stating the nature and amount of the encumbrances thereon, when the same became due or will become due, and the rate of interest thereon, and also the amount required for said repairs and improvements, together with a statement of said ward's personal property and the income from such personal property and from said ward's real estate, and also stating the amount probably necessary to maintain said ward and his family, and the names, ages, and residence of said ward and next of kin residing in the state, including the wife or husband of such ward, and all persons holding liens on said real estate, all of whom shall be made defendants, and be notified of the pendency and prayer of such petition in such way as said court shall direct, and a statement of the character of the imbecility or insanity of such ward—whether temporary or confirmed—and its duration, and such other facts as may be pertinent to the question whether such money should be borrowed, and a prayer that he be authorized to mortgage so much of said ward's lands as may be necessary to secure such loan; provided, that before the court shall make any order authorizing the guardian to so mortgage such real estate for the purpose of borrowing any money to make any repairs or improvements as hereinbefore provided, he shall appoint three disinterested freeholders, whose duty it shall be fully to investigate the question as to the necessity for, and the advisability of making said repairs or improvements, and the probable cost thereof, and report the same to the court under oath.

Duty of probate judge.

Proceedings.

SECTION 3. Upon the filing of such petition, the same proceedings shall be had, as to pleadings and proof as are had on petition by a guardian to sell the real estate of a minor.

Court to determine amount to be borrowed, etc.

SECTION 4. Upon the final hearing, if it shall appear to said court to be for the best interests of the estate of said ward that the prayer of the petition be granted, the court shall fix the amount necessary to be so borrowed, and direct what lands of said ward shall be encumbered by mortgage to secure the same, and an order shall issue to such guardian directing him to ascertain and report to the court the rate of interest and time for which he can borrow said amount so found necessary to be borrowed.

SECTION 5. If such report and the terms proposed shall be satisfactory to said court, the same may be accepted and confirmed and said guardian be authorized and ordered as such guardian to execute a note or notes for said amount, and to execute a mortgage on the lands so designated, and such mortgage shall be a good and valid lien on such lands, and said guardian shall in no way be personally liable for the payment of such sum so borrowed or any part thereof; but such lands solely shall be held and bound therefor, and said court shall direct the distribution of said fund, and said guardian shall report to said court for its approval the execution of said notes and mortgage and his distribution of said fund. Execution of notes, mortgage, etc.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 3, 1891.
176G

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[House Bill No. 358.]

AN ACT

To amend sections 5815, 5819, 5820, 5823, 6613, 6616, 6617 and 6623 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections numbers 5815, 5819, 5820, 5823, 6613, 6616, 6617 and 6623, relating to practice in replevin cases, be so amended as to read as follows: Replevin:

Sec. 5815. An order for the delivery of property to the plaintiff shall be issued by the clerk of the court in which the action is brought, when there is filed in his office an affidavit of the plaintiff, his agent or attorney, showing Affidavit for order of delivery.

[1.] A description of the property claimed.

2. That the plaintiff is the owner of the property, or has an interest therein; and if the ownership or interest is special or partial, the facts shall be stated.

3. That the property is wrongfully detained by the defendant.

4. That it was not taken on process issued against the plaintiff, and is not claimed by him under a title acquired mediately or immediately by transfer from one from whom such property had been taken by such execution, order or process, nor for a tax; or if taken on such process, that the property was exempt from execution expressly, or upon demand or selection by the plaintiff.

Sec. 5819. The sheriff shall, except as provided in the next section, deliver the property so taken to the plaintiff, his agent or attorney, after the expiration of five days from the Plaintiff to give written undertakings.

time the property is taken, when there is executed, by sufficient surety of the plaintiff, a written undertaking to the defendant in at least double the value of the property taken, to the effect that the plaintiff shall duly prosecute the action, and in case the judgment shall be against him, that he then return the property taken or pay the value so assessed, at the election of the defendant and also pay the damages assessed for the taking, detention and injury of the property and costs of suit; and the undertaking shall be returned with the order; provided, that the sheriff shall not be required to take possession of the property described in the order, until there is executed by sufficient surety of the plaintiff a written undertaking to the defendant to the satisfaction of the sheriff to the effect that the plaintiff will duly prosecute the action, and also, that in the event that the suit shall be decided against the plaintiff, [that] the plaintiff will pay the costs made upon such order and the expenses incurred in the care and management of the property to be taken.

Duty of officer when property consists of heirlooms, etc.

Sec. 5820. When the property replevied consists of an heirloom, personal keepsake or other article, the value of which consists in whole or in part of its being a relic, model, gift, family picture, painting or rare production of art or nature, and not wholly in its general marketable character, the sheriff shall retain and safely keep the same, subject to the order of the court, if the defendant, his agent or attorney, within ten days after the same is replevied, serve a written notice upon the officer that he will demand the return of the same upon the final trial of the case, and that he will, at the next term of the court, move for an order requiring the officer to retain the property, subject to the final order of the court; and if the defendant fail to give the notice aforesaid, or the court, upon application of either party, refuse to order the officer to retain the property, for the reason that it does not belong to one or more of the kinds of personal property aforesaid, the officer shall deliver the property to the plaintiff, his agent or attorney, upon the execution of an undertaking, as provided in the last section, to be filed with the clerk of the court within ten days from the expiration of the time to give the notice, or in case the notice is given, within ten days after the refusal of the court to order the officer to retain the property. And provided further, that the defendant may at any time, within five days after the property is taken, execute an undertaking to the plaintiff, with one or more sufficient sureties in at least double the value of the property taken, conditioned that in case the judgment be against him, [that] he shall then return the property taken or pay the value so assessed, at the election of the plaintiff, and also pay the damages assessed for the taking, detention and injury of the property and costs of suit, whereupon said property shall be returned to the defendant by the officer, to be retained by the defendant until the determination of the action. Either plaintiff or defendant and their respective sureties, shall in any action on their respective undertakings, also be liable for a breach thereof, for the value of the other's interest in the property in question, and damages for its detention, includ-

When the property shall be returned to defendant.

Liability of plaintiff or defendant for breach of undertaking.

ing all profits, direct or indirect, which the defendant or plaintiff as the case may be, may have derived from or through such property; provided, further, that after the rendition of a judgment in any cause in which any undertaking has been given in compliance with the provisions of this chapter, upon motion to the court, the sureties upon the undertaking shall be notified to appear in such court, within ten days from the issuing of such service, and show cause why judgment should not be entered against them for the breach of such undertaking, whereupon such sureties shall be made parties defendant in such action, and the same shall proceed as other civil actions.

Qualifications of sureties; exceptions.

Sec. 5823. The defendant may, within ten days from the time the undertaking referred to in the last section is given by the plaintiff, give notice to the sheriff that he excepts to the sufficiency of the surety, and if he fail to do so, he shall be deemed to have waived all objections to them; when the defendant excepts, the surety must justify upon notice, as bail on arrest; the officer shall be responsible for the sufficiency of his surety until the objection thereto is waived, as above provided, or until they justify, and the property shall be delivered to the plaintiff when the undertaking required by section fifty-eight hundred and nineteen is given.

Affidavit.

Sec. 6613. An action for the replevin of property shall not be brought until there is filed in the office of the justice an affidavit of the plaintiff, his agent or attorney, showing:

1. A description of the property claimed.

2. That the plaintiff is the owner of the property, or has a special ownership or interest therein, stating the facts in relation thereto, and that he is entitled to the immediate possession of the same.

3. That the property is wrongfully detained by the defendant.

4. That it was not taken in execution on any order or judgment against said plaintiff or for the payment of any tax, fine or assessment assessed against him, and is not claimed by him under a title acquired mediately or immediately by transfer from one from whom such property had been taken by such execution, order or process, or by virtue of an order of delivery issued under this chapter, or any other mesne or final process issued against him; provided, that such affidavit may omit the first and last clauses, and in lieu thereof show that the property was taken in execution on a judgment or order other than an order of delivery aforesaid, and that the same is exempt from such execution under the laws of this state.

When property shall be delivered in replevin, or retaine

Sec. 6616. The constable shall deliver to the plaintiff, his agent or attorney the property so taken, but not before the time named in the summons for the trial, except in the cases hereinafter provided, when there has been executed by one or more sufficient sureties of the plaintiff, a written undertaking to the defendant, in at least double the value of the property taken, but in no case less than fifty dollars, to be approved by the justice, to the effect that the plaintiff shall duly prosecute the action, and in case the judgment shall be against

him, that he shall then return the property taken or pay the value so assessed, at the election of the defendant, and also pay the damages assessed for the taking, detention and injury of the property, and costs of suit; provided, that the constable shall not be required to take possession of the property described in the order, until there is executed by sufficient surety of the plaintiff, a written undertaking to the defendant, to the satisfaction of the constable, to the effect that the plaintiff will duly prosecute the action, and also that in the event that the suit shall be decided against the plaintiff, [that] the plaintiff will pay the costs made upon such order, and the expenses incurred in the care and management of the property to be taken. In all cases where the property replevied consists of heirlooms, personal keepsakes or other article of property, the value of which consists in whole or in part, in its being a relic, model, gift, family picture, painting or rare production of art or nature, and not wholly in its general marketable character, the constable shall retain and keep the same, subject to the order of the court; provided, the defendant, his agent or attorney, shall, on or before the time named in the summons for trial, file his motion, in writing, with the justice of the peace, which said motion shall be heard and determined before the trial, or before the said justice shall certify the proceedings to the court of common pleas, as hereinafter provided, for an order requiring the constable to retain said property, subject to the final order of the court; provided further, that in case the defendant does not file said motion, or the court, upon application of either party, refuses to order the constable to retain said property, for the reason that it does not belong to one or more of the kinds of personal property aforesaid, the constable shall deliver said property to the plaintiff, his agent or attorney, upon the execution of an undertaking as hereinbefore provided, within one day after the expiration of the time for filing said motion, or in case said motion is filed, within one day after the refusal of the justice to order the constable to retain the property as aforesaid; and provided further, in case the appraised value of the property exceeds three hundred dollars, or in case an appeal is taken from the final judgment and order of the justice of the peace, the said justice shall order the constable to turn over the property in his possession to the sheriff of his county, to be by said sheriff held as in like cases originating in the court of common pleas. And provided further, that the defendant may, at any time before the time named in the summons for the trial, and after the appraisement, execute an undertaking to the plaintiff, with one or more sufficient sureties, in double the appraised value of the property, to be approved by the justice, conditioned that the defendant will safely keep the property, and in case the judgment shall be against him, that he shall then return the property taken, or pay the value so assessed, at the election of the plaintiff, and also pay the damages assessed for the taking, detention, and injury of the property, and costs of suit, whereupon said property shall be returned by the officer to the defendant, to be retained by the defendant until the determination of the action. Either

When the property shall be returned to defendant.

plaintiff or defendant and their respective sureties shall in any action on their respective undertakings, also be liable for a breach thereof, for the value of the other's interest in the property in question and damages for its detention, including all profits, direct or indirect, which the defendant or plaintiff as the case may be may have derived from or through said property. Liability of plaintiff or defendant for breach of undertaking.

Sec. 6617. For the purpose of fixing the amount of the undertaking, the value of the property taken shall be ascertained by the oath of two responsible freeholders of the township, whom the constable shall swear truly to assess the value thereof. Appraisement.

Sec. 6623. When the property claimed has not been taken, or has been returned to the defendant for want of the undertaking required by section sixty-six hundred and sixteen, the action may proceed as one for damages only, and the plaintiff shall be entitled to such damages as are right and proper; but if the property be returned for want of the undertaking required by said section, the plaintiff shall pay all costs made by taking the same. If the property shall have been redelivered to the defendant on his executing the undertaking, as provided in section 6616, and the finding shall be for the plaintiff, the defendant shall be ordered to deliver the property to the plaintiff, and adequate damages shall be assessed for its illegal detention. Provided, that after the rendition of a judgment in any cause in which any undertaking has been given, in compliance with the provisions of this chapter, upon application to the justice the sureties upon such undertaking shall be notified to appear before such justice within three days from the issuing of such service, and show cause why judgment shall not be entered against them for the breach of such undertaking, whereupon such sureties shall be made parties defendant in such action, and the same shall proceed as other civil actions. When action to proceed for damages only: costs. Damages for illegal detention, etc.

SECTION 2. Said sections 5815, 5819, 5820, 5823, 6613, 6616, 6617 and 6623 are hereby repealed. Repeals.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 3, 1891.
177G

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[House Bill No. 1081.]

AN ACT

To amend section 6489 of the Revised Statutes of Ohio, relating to exemptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6489 of the Revised Statutes of Ohio be so amended as to read as follows: Commencement of actions, etc.:

Sec. 6489. The plaintiff shall have an order of attachment against any property of the defendant (except as here- Affidavit for attachment.

What it shall contain.

inafter provided) in a civil action before a justice of the peace, for the recovery of money, before or after the commencement thereof, when there is filed in his office an affidavit of the plaintiff, his agent or attorney, showing the nature of the plaintiff's claim, that it is just, the amount the affiant believes the plaintiff ought to recover, and that the property sought to be attached is not exempt from execution, and if the personal earnings of the defendant are sought to be attached, that the defendant is not the head or support of a family, and has not in good faith, the maintenance and support of a widowed mother wholly dependent upon him for support, or that such earnings are not for services rendered within three months before the commencement of the action, or that being earned within that time, the same amount to more than one hundred and fifty dollars, and that only the excess over that amount, is sought to be attached; and also the existence of some one or more of the following particulars:

1. That the defendant, or one of several defendants, is a corporation, having no officer upon whom a summons can be served, or place of doing business in the county, or is a non-resident of the county; provided, that no proceedings in attachment shall be had to garnishee the salary or wages of the employe of a railroad company, by reason of his non-residence, except before a justice in, and on account of his being a non-resident of, the county in which his liability was incurred; or,

2. Has absconded with intent to defraud his creditors; or,

3. Has left the county of his residence to avoid the service of a summons; or,

4. So concealed himself that a summons can not be served upon him; or,

5. Is about to remove his property, or a part thereof, out of the county, with intent to defraud his creditors; or,

6. Is about to convert his property, or part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or,

7. Has property, or rights of action, which he conceals; or,

8. Has assigned, removed, or disposed of, or is about to assign, remove, or dispose of his property, or a part thereof, with intent to defraud his creditors; or,

9. Fraudulently or criminally contracted the debt, or incurred the obligation, for which suit is about to be, or has been brought. When the defendant is a corporation, having no officer in the county upon whom a summons can be served, or place of doing business in the county, or is a non-resident of the county, the attachment shall not be granted, unless the claim is for a debt or demand arising upon contract, judgment, or decree, and no attachment shall issue by virtue of this chapter, against the personal earnings of any defendant for services rendered by such defendant within three months before the commencement of the action or the issuing of the attachment, unless the defendant is not the head or support of a family, or unless the amount of such

earnings exceeds one hundred and fifty dollars, and then only as to the excess over the amount.

SECTION 2. That said original section 6489 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 3, 1891.
178G

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[House Bill No. 1460.]

AN ACT

To abolish the office of street commission [er] in certain cities of the third and fourth grade, second class, and to create the office of street superintendent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second class, third grade which at the federal census of 1890 had, or at any subsequent federal census shall have a population of not less than 27,590, nor more than 27,720, and cities of the second class, fourth grade which at the federal census of 1890 had, or at any subsequent federal census shall have, a population of not less than 6,490, nor more than 6,515, the office of street commissioner is abolished; and in lieu thereof there is created the office of street superintendent. The said street superintendent shall be appointed by the council or a majority thereof. He shall be appointed for such time not to exceed one year, as the council may see proper, and may be removed from office at any time a majority of the council may by vote, determine upon; and his successor appointed as herein provided. Office of street commissioner abolished in certain cities (Akron and Urbana). Office of street superintendent created.

SECTION 2. He shall receive such compensation as may be agreed on by the council. He shall be under the control and direction of the street committee of the council and shall make reports to the council at such times as it may require. Compensation, etc.

SECTION 3. Section 1707 of the Revised Statutes in so far as the same conflicts with this act shall be held void, as well as all other sections or acts which may be found to conflict with this act. And this act shall take effect and be in force on and after the 6th day of April, 1891. Former acts superseded, etc.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
179G

[Senate Bill No. 32.]

AN ACT

To amend section 3242 of the Revised Statutes of Ohio, as amended March 5, 1883 (80 v. 42).

Creation of corporations, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3242 of the Revised Statutes, as amended March 5, 1883, be so amended as to read as follows:

Corporations for profit to give notice of opening books for subscription.

Sec. 3242. The persons named in the articles of incorporation of a corporation for profit, or a majority of them, shall order books to be opened for subscription to the capital stock of the corporation at such time or times and at such place or places as they may deem expedient, and of the time and place of opening which books at least thirty days' notice shall be given by publication in a newspaper published or generally circulated in the county or counties where books of subscription are to be opened; provided, that such notice may be waived in writing by all the incorporators, and such waiver shall be entered or copied in the records of said corporation.

Notice may be waived.

Repeals, etc.

SECTION 2. Section 3242 as heretofore amended is repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
180G

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[Senate Bill No. 397.]

AN ACT

To amend section 4077 of the Revised Statutes.

Examiners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4077 of the Revised Statutes be amended so as to read as follows:

Boards of, in city districts of first class.

Sec. 4077. There shall be a board of examiners for each city district of the first class, to be appointed by the board of education of the district; such board may consist of either three or six persons, as the board of education may determine, and two of the persons appointed shall have had at least two years' practical experience in teaching and shall otherwise be competent for the position and residents of the district for which they are appointed; the term of office of such examiners shall be three years; the term of one-third of the examiners shall expire on the 31st day of August each year; but the board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board of education shall fill the same by appointment for the full or unexpired term, as the

case demands; and within ten days after an appointment, the clerk of the board of education shall report to the commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term.

SECTION 2. Section 4077 is hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
181G

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[Senate Bill No. 414.]

AN ACT

To amend section 6440 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6440 of the Revised Statutes of the state of Ohio be amended so as to read as follows: Appropriation of property:

Sec. 6440. When the probate judge is interested, either as stockholder, director or otherwise, in a corporation seeking to appropriate private property to its use, or if before filing the petition, it is made to appear to the satisfaction of a judge of the court of common pleas of the county wherein the action is sought to be brought, that such probate judge is interested either as owner or otherwise in the property sought to be appropriated, or by reason of sickness, absence or other incapacity is and will be unable to preside at the trial, the proceedings authorized by this chapter may be commenced in the court of common pleas of the county; and in that case the proceedings shall conform in all respects, so far as applicable, to the provisions of this chapter, and all the powers conferred and duties imposed thereby upon the probate court shall devolve upon the court of common pleas; and said court may make such orders and direct such proceedings to be had as may be necessary to do full justice between the parties according to the true spirit and intent of this chapter; and after final judgment the corporation may, on depositing the amount of the judgment and costs assessed in said court with the clerk thereof, be entitled to enter into possession of the property sought to be appropriated. In case such court is not in session when the proceedings are commenced therein, nor on the day fixed for the inquiry and assessment of compensation, a special term thereof shall be held in the same manner as provided in section 2239 of said statute. When proceedings to appropriate private property may be commenced in court of common pleas.

SECTION 2. Section 6440 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in ... from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Repres...*
WM. VANCE MAR...
*President of ...*

Passed April 6, 1891.
182G

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[Senate Bill No. 619.]

AN ACT

To supplement section 1720 of the Revised Statutes ... and sectional numbering as follow...

Officers of cities, etc.

SECTION 1. *Be it enacted by the General ... of Ohio*, That section 1720 of the Re... plemented with sections and sectional ...

Boards of revision created in certain cities (Tiffin and Fostoria).

Sec. 1720*i*. That the probate ju... this state, having at the federal cens... subsequent federal census may ha... than 36,945, nor more than 36,949, ... first week in February, appoint ... county, having by the next pre... lation of more than seven thou... for one year, two from each ... parties, each of whom shall h... years next prior to such a... then be owners of real es... known for integrity, k... herein prescribed, and su... constitute and be know... such city, and each s... voted to the performa... ury, on the certificat... day and no more; pro... such member in a... probate judge m... equal division po... be maintained.

Compensation.

Organization and duties of board.

Sec. ...
prece...
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...city, to
...any such
...ed for cem-
...of such city
... and if such
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...f such city and
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...operty to arbitra-
...e board of public
... of such city to se-
... or trustees of such
...erson, and these two
..., to act as arbitrators
...ient freeholders of the
...ated; and the amount
...ll have the same force
... and judgment thereon in
... property; and in case the
... upon the third, or all three
... the amount to be paid for
...oard of public improvements
... the owner or trustees of such
...rbitration as aforesaid, then the
...islation of any such city may
... purpose of a street, any such
... corporation line thereof, not ex-
...f (½) of the width of the contem-
...d entirely outside of the corporate
... same manner in which private prop-
...y such city is condemned and appro-
...oses by municipal corporations.

Procedure if question of price arbitrated.

...en the amount of compensation to be
...operty appropriated under the preceding
... been ascertained either by agreement
... decision of the arbitrators or by the ver-
...n the proceedings instituted for the pur-
...f public improvements or board of adminis-
...city may issue bonds, in a sum not to exceed
...dollars, said bonds to be for a term of ten (10)
... five (5) per cent. interest, and at their expira-
...ney to be appropriated from the general fund of
... redeem said bonds, and such bonds to be sold to
... bidder for the purpose of paying the amount and
...together with the cost of such proceedings as may
...n had thereof.

Issue of bonds.

...TION 3. This act shall take effect and be in force
...d after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

...ssed April 7, 1891.
1846

WM. VANCE MARQUIS,
*President of the Senate.*

Qualifications of members of board.

Sec. 1720*l*. That no person shall be eligible to appointment to or hold the position of member of said board, who has during the year next prior to the first day of February of the year in which he is appointed as such member held any office or position, whether elected or appointed, under the city government or been a member of the city council during said time; nor shall any member of such board be eligible to appointment to any office under the government of such city for one year next after the first day of the month in which he is appointed, except that he may be reappointed as member of said board.

Subpœnas, witness fees, etc.

Sec. 1720*m*. That the said board shall have power to issue all necessary subpœnas and writs, and may direct the same to any marshal, police officer or police court officer of such city, and they shall serve and execute the same as directed; and witnesses other than city officers and employes shall be entitled to the same fees and mileage as in other cases, to be paid out of the city treasury on the order of said board.

Report of board to be presented to grand jury.

Sec. 1720*n*. The prosecuting attorney of the county shall lay the copy of said report so filed with him before the grand jury of his county at the next term of the court of common pleas after he receives such report, for such action as they may deem proper, and their attention shall be specially called to it by the court.

Appointment and duty of first board.

That such probate judge shall, upon the passage of this act, appoint said board for the fractional part of the year, ending the first week in February, 1892, and they may exercise all the powers and shall perform all of the duties herein named during the thirty days next after their appointment, but shall simply file their report with the different officers herein named as to said year, without posting the same up.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
183G

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[House Bill No. 1615.]

AN ACT

To authorize cities of the first grade of the first class to purchase or condemn property abutting on the corporation line for the purpose of a street.

Certain cities (Cincinnati) may condemn certain real estate for street purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it is deemed necessary by the city council or board of legislation of any city of the first grade of the first class to construct a street along the corporation line of such city, the council may authorize the board of pub-

lic improvements, or board of administration of such city, to purchase, not to exceed one-half (½) in width of any such proposed street of private property or property used for cemetery or other public purpose, situated outside of such city and abutting on the corporation line thereof, and if such board of public improvements or board of administration is unable to agree with the owners of said private property or the trustees or other officers having charge or control of such cemetery or other public ground, then the board of public improvements or board of administration of such city and the owner or trustees of such property may submit the question of the amount to be paid for such property to arbitration in the following manner, to-wit: The board of public improvements or board of administration of such city to select one disinterested person, the owners or trustees of such property to select another disinterested person, and these two to select the third disinterested person, to act as arbitrators and all such arbitrators shall be resident freeholders of the county in which such city is situated; and the amount agreed upon by such arbitrators shall have the same force and effect as the verdict of a jury, and judgment thereon in cases of condemnation of private property; and in case the first two arbitrators can not agree upon the third, or all three such arbitrators fail to agree on the amount to be paid for such property, or in case the board of public improvements or board of administration or the owner or trustees of such property refuse to submit to arbitration as aforesaid, then the city council or board of legislation of any such city may proceed to condemn for the purpose of a street, any such property abutting upon the corporation line thereof, not exceeding in width one-half (½) of the width of the contemplated street and situated entirely outside of the corporate limits of said city in the same manner in which private property situated within any such city is condemned and appropriated for street purposes by municipal corporations.

Procedure if question of price arbitrated.

SECTION 2. When the amount of compensation to be paid for any such property appropriated under the preceding section shall have been ascertained either by agreement of the parties, by decision of the arbitrators or by the verdict of a jury in the proceedings instituted for the purpose, the board of public improvements or board of administration of such city may issue bonds, in a sum not to exceed five thousand dollars, said bonds to be for a term of ten (10) years bearing five (5) per cent. interest, and at their expiration the money to be appropriated from the general fund of such city to redeem said bonds, and such bonds to be sold to the highest bidder for the purpose of paying the amount and expense together with the cost of such proceedings as may have been had thereof.

Issue of bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

Passed April 7, 1891.

WM. VANCE MARQUIS,
*President of the Senate.*

184G

[House Bill No. 1619.]

AN ACT

To amend an act entitled "An act making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal year ending February 15, 1892," passed February 12, 1891.

Changes in partial appropriation bill.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following items in "An act making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal year ending February 15, 1892," passed February 12, 1891, under the head of attorney-general, and reading as follows: "For exchange of type-writer, forty dollars ($40)," under the head of Ohio state university, and reading as follows: "Furnishing and equipping laboratory, twenty thousand dollars ($20,000)," be and are hereby struck out.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
185G

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[House Bill No. 1622.]

AN ACT

To authorize cities of the third grade of the first class to issue bonds for patrol barn purposes.

Cities third grade, first class (Toledo), may issue bonds for construction of patrol barn.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the third grade of the first class be and the same is hereby authorized and empowered, for the purpose of procuring a site for and the erection thereon of a patrol barn for the use of the police department of said city, to borrow a sum of money not exceeding ten thousand dollars and issue the bonds of said city therefor, in denominations of not less than one thousand dollars nor more than five thousand dollars each, payable in not less than fifteen years nor more than twenty-five years from the date of their issue, and bearing interest at a rate not to exceed four and one-half ($4\frac{1}{2}$) per cent. per annum, payable annually or semi-annually as such council may determine. Such bonds shall be designated, issued and sold in all respects in such manner as is or may be prescribed by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
186G

[House Bill No. 1640.]

AN ACT

To authorize the village council of any village which had at the last federal census, or which at any subsequent federal census may have a population of not less than six hundred and eighty-four nor greater than six hundred and eighty-six, to borrow money and issue bonds for the purpose of building a town hall.

Certain villages (Caledonia) may issue bonds for town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village which at the last federal census had, or which at any subsequent federal census may have, a population not less than six hundred and eighty-four nor greater than six hundred and eighty-six, be and said council is hereby authorized to issue bonds in any sum not exceeding three thousand dollars, bearing interest not to exceed six per cent. per annum, payable semi-annually, to be designated as town hall bonds, and to be payable in not less than five nor more than ten years from their date, as said village council may determine.

Levy of tax.

SECTION 2. Said village council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds when the same become due, said taxes to be levied and collected in the same manner as taxes for other purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
187G

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[House Bill No. 1646.]

AN ACT

To create a depositary commission in cities of the second class, fourth grade, having at the federal census of 1880 a population of not less than five thousand six hundred and thirty-five nor more than five thousand six hundred and eighty-five, or which at any subsequent federal census may have such population, and to establish a depositary for city and school funds of such cities.

Depositary created in certain cities (Galion).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the money belonging to each city of the second class, fourth grade, having at the federal census of 1880 a population of not less than five thousand six hundred and thirty-five nor more than five thousand six hundredand eighty-five, or which at any subsequent federal census may have such population, shall be deposited, by the treasurer of the city, as hereinafter provided, in a bank situated within the boundaries of the city and duly incorporated under the laws of this

state or of the United States, to be designated, in the manner hereinafter provided, as the depositary for such money, by a commission composed of the mayor, president of the board of education and the president of the council, and their successors in office, and to be known as the depositary commission.

Depositary commission.

Commission to be provided with books, etc.

SECTION 2. The officers designated in the preceding section as constituting such depositary commission shall serve as members thereof, and the commission shall be provided with necessary books and stationery, at the expense of the city; and the mayor shall be president, and the president of the council shall be secretary of the commission. The commission shall hold meetings on the first business day of each month, and whenever called to meet by the president for a special purpose, at the council chamber of the city, shall keep a record of its proceedings, and file all official papers received by it, which record and papers shall be open to public inspection; and a transcript of any entry in such record, or a copy of any such paper, duly certified as such by the president and secretary, shall be received as evidence in any of the courts in this state.

President and secretary.

Meetings.

Advertising for proposals.

SECTION 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in one newspaper printed and of general circulation in the city and district, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of section one, which proposals shall stipulate the rate of interest, and it shall not be less than two per centum, they will pay respectively for the use of the money aforesaid; and such proposal shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same in case its proposals be accepted.

Opening bids and awarding contract.

SECTION 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals, and shall award the use of such money to the bank offering the highest rate of interest therefor; but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; or if the commission have reason to believe there is collusion between the banks as to the rate of interest to be paid for the funds thus advertised to be placed in a city depositary, or if there be no bids, the commission may advertise from time to time until satisfactory bids are received.

Bond required.

SECTION 5. No such award shall be binding until there is executed by the bank and accepted by the commission, a good and sufficient undertaking, payable to the city, in a sum not less than three hundred thousand dollars, to be recovered in the name of the depositary commission, for the use of the city. Such undertaking shall be signed by six resident freeholders of the city as sureties, not more than half of whom shall be stockholders in the bank, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may

come into the custody fo the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and it shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of such money.

Bond must be approved by city solicitor.

SECTION 6. The undertaking provided for above shall not be accepted by the commission until it has been submitted to the city solicitor and certified by him to be in due and legal form, and comformable to the provisions of this act, which certificate shall be indorsed on the undertaking by the city solicitor, and if the bank to which an award is made as aforesaid fails to execute the undertaking required hereby, to the acceptance of the commission, within three days after the award is made, the commission may award the use of the money to any other bank the written proposal of which offers the same rate of interest therefor as is designated in the proposal of such defaulting bank; but not a less rate than is provided for in section 3, of this act, or the commission may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid; and in case of an award after such default the bank to which the award is made shall execute an undertaking as aforesaid, to the acceptance of the commission.

When bank becomes depositary.

SECTION 7. The bank to which an award is made shall, upon the acceptance of such undertaking by the commission, become the depositary of the money aforesaid until the undertaking of its successor is accepted by the commission; but the commission may require additional security from the bank, at any time it deems the same necessary, in such sum as it shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, the removal of the money therefrom forthwith may be ordered by the commission. The order for such removal, or for any removal under the provisions of this act, shall be entered in the record of proceedings of the commission; and a copy thereof duly certified as such by the president and secretary of the commission shall be transmitted to the city council, and a like copy to the board of education of the school district, and thereupon the city clerk shall issue his warrant for the withdrawal of the money of the city from the depositary, and thereupon the city treasurer, as such, and as treasurer of the school funds, shall issue checks accordingly for the removal; the money shall be disposed of as provided in section nine.

Additional security may be required.

Interest-bearing bonds may be accepted as security.

SECTION 8. The commission[er] may, in lieu of the undertaking provided for by preceding sections, accept as security, for money deposited as aforesaid, interest-bearing bonds of the city or school district, or of the county within which the depositary is located, or United States bonds, the face value of which shall not be less than the sum specified in section five as the amount to be named in the undertaking in lieu of which such bonds are accepted: or the commission may

[Senate Bill No. 32.]

AN ACT

To amend section 3242 of the Revised Statutes of Ohio, as amended March 5, 1883 (80 v. 42).

Creation of corporations, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3242 of the Revised Statutes, as amended March 5, 1883, be so amended as to read as follows:

Corporations for profit to give notice of opening books for subscription.

Sec. 3242. The persons named in the articles of incorporation of a corporation for profit, or a majority of them, shall order books to be opened for subscription to the capital stock of the corporation at such time or times and at such place or places as they may deem expedient, and of the time and place of opening which books at least thirty days' notice shall be given by publication in a newspaper published or generally circulated in the county or counties where books of subscription are to be opened; provided, that such notice may be waived in writing by all the incorporators, and such waiver shall be entered or copied in the records of said corporation.

Notice may be waived.

Repeals, etc.

SECTION 2. Section 3242 as heretofore amended is repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
180G

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[Senate Bill No. 397.]

AN ACT

To amend section 4077 of the Revised Statutes.

Examiners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4077 of the Revised Statutes be amended so as to read as follows:

Boards of, in city districts of first class.

Sec. 4077. There shall be a board of examiners for each city district of the first class, to be appointed by the board of education of the district; such board may consist of either three or six persons, as the board of education may determine, and two of the persons appointed shall have had at least two years' practical experience in teaching and shall otherwise be competent for the position and residents of the district for which they are appointed; the term of office of such examiners shall be three years; the term of one-third of the examiners shall expire on the 31st day of August each year; but the board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board of education shall fill the same by appointment for the full or unexpired term, as the

case demands; and within ten days after an appointment, the clerk of the board of education shall report to the commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term.

SECTION 2. Section 4077 is hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
181G

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[Senate Bill No. 414.]

AN ACT

To amend section 6440 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6440 of the Revised Statutes of the state of Ohio be amended so as to read as follows: Appropriation of property:

Sec. 6440. When the probate judge is interested, either as stockholder, director or otherwise, in a corporation seeking to appropriate private property to its use, or if before filing the petition, it is made to appear to the satisfaction of a judge of the court of common pleas of the county wherein the action is sought to be brought, that such probate judge is interested either as owner or otherwise in the property sought to be appropriated, or by reason of sickness, absence or other incapacity is and will be unable to preside at the trial, the proceedings authorized by this chapter may be commenced in the court of common pleas of the county; and in that case the proceedings shall conform in all respects, so far as applicable, to the provisions of this chapter, and all the powers conferred and duties imposed thereby upon the probate court shall devolve upon the court of common pleas; and said court may make such orders and direct such proceedings to be had as may be necessary to do full justice between the parties according to the true spirit and intent of this chapter; and after final judgment the corporation may, on depositing the amount of the judgment and costs assessed in said court with the clerk thereof, be entitled to enter into possession of the property sought to be appropriated. In case such court is not in session when the proceedings are commenced therein, nor on the day fixed for the inquiry and assessment of compensation, a special term thereof shall be held in the same manner as provided in section 2239 of said statute. When proceedings to appropriate private property may be commenced in court of common pleas.

SECTION 2. Section 6440 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
182G

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[Senate Bill No. 619.]

AN ACT

To supplement section 1720 of the Revised Statutes of Ohio, with sections and sectional numbering as follows:

Officers of cities, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1720 of the Revised Statutes be supplemented with sections and sectional numbering as follows:

Boards of revision created in certain cities (Tiffin and Fostoria).

Sec. 1720*i*. That the probate judge of each county in this state, having at the federal census of 1880, or that by any subsequent federal census may have a population of not less than 36,945, nor more than 36,949, shall, annually, during the first week in February, appoint in and for each city in his county, having by the next preceding federal census a population of more than seven thousand, four electors of such city for one year, two from each of the two leading political parties, each of whom shall have resided in such city for five years next prior to such appointment, and who shall each then be owners of real estate in such city and be men well known for integrity, knowledge and fitness for the duties herein prescribed, and such appointees in each such city shall constitute and be known as the annual board of revision of such city, and each shall be paid for the time actually devoted to the performance of their duties out of the city treasury, on the certificate of the probate judge, three dollars per day and no more; provided, there shall not be so paid to any such member in any one year more than fifty dollars; and the probate judge may fill any vacancies on said board, but an equal division politically as above set forth, shall at all times be maintained.

Compensation.

Organization and duties of board.

Sec. 1720*j*. That the board of revision mentioned in the preceding section shall organize by selecting one member as president and one as secretary, and shall keep a record of its proceedings, and all subpœnas, notices, orders and writs shall be signed by the president and secretary; and said board shall, during the month of February, annually, and immediately after their appointment, carefully review, investigate and inquire into the proceedings, acts and conduct of the city council and all other branches, officers and employes of the city government, including the board of education for the year ending on the first day of February, annually, and shall carefully examine all contracts made and franchises granted by any of said city authorities during said time, and examine and fully investigate as to the disbursement and condition of

the funds of the city, and fully inquire into any and all violations of law or of the ordinances of such city, and of all failures to enforce or observe the same during said period; and if said board, by devoting the remainder of the month of February after their appointment wholly to the performance of its duties, is unable to complete the same by the first day of March, it may continue its work for a time not later than the close of the first week in March; and said board may employ a stenographer to aid in its work for a time not to exceed fifteen days at not to exceed four dollars per day, which, upon the certificate of the said board, shall be paid out of the city treasury; and such board shall make a written report of its findings and of all irregularities and derelictions which may be discovered by it in any of the departments of the city government, including the city council and board of education and the officers and employes of the city government, or of any branch or department, together with such recommendations as in their judgment will advance the best interest and be for the general welfare of the city; and said board shall cause such report to be printed in the form of bills or posters sufficient in number to comply with the requirements of this act, and shall sign each; and on or before the 20th day of March, annually, shall deliver one copy thereof to the mayor, one to each member of the city council, one to the probate judge and one to the prosecuting attorney of the county, and post up one copy thereof by six o'clock a. m. on the first Monday in April, annually, in a conspicuous place at each voting place in such city, and whoever willfully tears down, defaces or mutilates any of said reports so posted prior to the close of the election on said Monday shall, upon conviction, be fined not exceeding one hundred dollars, and stand committed until the fine and costs are paid. That as to matters upon which the members of said board disagree, the said report shall be so made as to show the findings, opinions and conclusions of each.

Stenographer.

Report of board.

Sec. 1720*k*. That said board shall have power to send for persons and papers, to issue subpœnas and to examine all books, papers, contracts and vouchers pertaining to the city government as aforesaid, and require the production thereof, and to enforce the attendance of witnesses throughout the county, and either member shall have authority to administer all necessary oaths; and if a witness shall refuse to attend or to testify when in attendance upon the board, the board may cause such witness to be forthwith taken before the probate court of the county; and if it be found by the court that such witness should have attended or testified as required by such board, he shall be committed to the jail of the county for contempt, there to remain until he submits to attend, be sworn and testify as required by such board; and such board shall have power to take the deposition of witnesses at any place outside of the county, and require their attendance for that purpose. Where any city lies in more than one county the probate court of the county which by the next preceding federal census had the largest proportion of the population of such city, shall have and exercise the powers and jurisdiction herein given to such court.

Attendance of witnesses, etc.

Qualifications of members of board.

Sec. 1720*l*. That no person shall be eligible to appointment to or hold the position of member of said board, who has during the year next prior to the first day of February of the year in which he is appointed as such member held any office or position, whether elected or appointed, under the city government or been a member of the city council during said time; nor shall any member of such board be eligible to appointment to any office under the government of such city for one year next after the first day of the month in which he is appointed, except that he may be reappointed as member of said board.

Subpœnas, witness fees, etc.

Sec. 1720*m*. That the said board shall have power to issue all necessary subpœnas and writs, and may direct the same to any marshal, police officer or police court officer of such city, and they shall serve and execute the same as directed; and witnesses other than city officers and employes shall be entitled to the same fees and mileage as in other cases, to be paid out of the city treasury on the order of said board.

Report of board to be presented to grand jury.

Sec. 1720*n*. The prosecuting attorney of the county shall lay the copy of said report so filed with him before the grand jury of his county at the next term of the court of common pleas after he receives such report, for such action as they may deem proper, and their attention shall be specially called to it by the court.

Appointment and duty of first board.

That such probate judge shall, upon the passage of this act, appoint said board for the fractional part of the year, ending the first week in February, 1892, and they may exercise all the powers and shall perform all of the duties herein named during the thirty days next after their appointment, but shall simply file their report with the different officers herein named as to said year, without posting the same up.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
183G

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[House Bill No. 1615.]

AN ACT

To authorize cities of the first grade of the first class to purchase or condemn property abutting on the corporation line for the purpose of a street.

Certain cities (Cincinnati) may condemn certain real estate for street purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it is deemed necessary by the city council or board of legislation of any city of the first grade of the first class to construct a street along the corporation line of such city, the council may authorize the board of pub-

lic improvements, or board of administration of such city, to purchase, not to exceed one-half (½) in width of any such proposed street of private property or property used for cemetery or other public purpose, situated outside of such city and abutting on the corporation line thereof, and if such board of public improvements or board of administration is unable to agree with the owners of said private property or the trustees or other officers having charge or control of such cemetery or other public ground, then the board of public improvements or board of administration of such city and the owner or trustees of such property may submit the question of the amount to be paid for such property to arbitration in the following manner, to-wit: The board of public improvements or board of administration of such city to select one disinterested person, the owners or trustees of such property to select another disinterested person, and these two to select the third disinterested person, to act as arbitrators and all such arbitrators shall be resident freeholders of the county in which such city is situated; and the amount agreed upon by such arbitrators shall have the same force and effect as the verdict of a jury, and judgment thereon in cases of condemnation of private property; and in case the first two arbitrators can not agree upon the third, or all three such arbitrators fail to agree on the amount to be paid for such property, or in case the board of public improvements or board of administration or the owner or trustees of such property refuse to submit to arbitration as aforesaid, then the city council or board of legislation of any such city may proceed to condemn for the purpose of a street, any such property abutting upon the corporation line thereof, not exceeding in width one-half (½) of the width of the contemplated street and situated entirely outside of the corporate limits of said city in the same manner in which private property situated within any such city is condemned and appropriated for street purposes by municipal corporations.

Procedure if question of price arbitrated.

SECTION 2. When the amount of compensation to be paid for any such property appropriated under the preceding section shall have been ascertained either by agreement of the parties, by decision of the arbitrators or by the verdict of a jury in the proceedings instituted for the purpose, the board of public improvements or board of administration of such city may issue bonds, in a sum not to exceed five thousand dollars, said bonds to be for a term of ten (10) years bearing five (5) per cent. interest, and at their expiration the money to be appropriated from the general fund of such city to redeem said bonds, and such bonds to be sold to the highest bidder for the purpose of paying the amount and expense together with the cost of such proceedings as may have been had thereof.

Issue of bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

Passed April 7, 1891.

WM. VANCE MARQUIS,
*President of the Senate.*

184G

[House Bill No. 1619.]

AN ACT

To amend an act entitled "An act making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal year ending February 15, 1892," passed February 12, 1891.

Changes in partial appropriation bill.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following items in "An act making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal year ending February 15, 1892," passed February 12, 1891, under the head of attorney-general, and reading as follows: "For exchange of type-writer, forty dollars ($40)," under the head of Ohio state university, and reading as follows: "Furnishing and equipping laboratory, twenty thousand dollars ($20,000)," be and are hereby struck out.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
185G

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[House Bill No. 1622.]

AN ACT

To authorize cities of the third grade of the first class to issue bonds for patrol barn purposes.

Cities third grade, first class (Toledo), may issue bonds for construction of patrol barn.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the third grade of the first class be and the same is hereby authorized and empowered, for the purpose of procuring a site for and the erection thereon of a patrol barn for the use of the police department of said city, to borrow a sum of money not exceeding ten thousand dollars and issue the bonds of said city therefor, in denominations of not less than one thousand dollars nor more than five thousand dollars each, payable in not less than fifteen years nor more than twenty-five years from the date of their issue, and bearing interest at a rate not to exceed four and one-half ($4\frac{1}{2}$) per cent. per annum, payable annually or semi-annually as such council may determine. Such bonds shall be designated, issued and sold in all respects in such manner as is or may be prescribed by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
186G

[House Bill No. 1640.]

AN ACT

To authorize the village council of any village which had at the last federal census, or which at any subsequent federal census may have a population of not less than six hundred and eighty-four nor greater than six hundred and eighty-six, to borrow money and issue bonds for the purpose of building a town hall.

Certain villages (Caledonia) may issue bonds for town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village which at the last federal census had, or which at any subsequent federal census may have, a population not less than six hundred and eighty-four nor greater than six hundred and eighty-six, be and said council is hereby authorized to issue bonds in any sum not exceeding three thousand dollars, bearing interest not to exceed six per cent. per annum, payable semi-annually, to be designated as town hall bonds, and to be payable in not less than five nor more than ten years from their date, as said village council may determine.

Levy of tax.

SECTION 2. Said village council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds when the same become due, said taxes to be levied and collected in the same manner as taxes for other purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
187G

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[House Bill No. 1646.]

AN ACT

To create a depositary commission in cities of the second class, fourth grade, having at the federal census of 1880 a population of not less than five thousand six hundred and thirty-five nor more than five thousand six hundred and eighty-five, or which at any subsequent federal census may have such population, and to establish a depositary for city and school funds of such cities.

Depositary created in certain cities (Galion).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the money belonging to each city of the second class, fourth grade, having at the federal census of 1880 a population of not less than five thousand six hundred and thirty-five nor more than five thousand six hundredand eighty-five, or which at any subsequent federal census may have such population, shall be deposited, by the treasurer of the city, as hereinafter provided, in a bank situated within the boundaries of the city and duly incorporated under the laws of this

state or of the United States, to be designated, in the manner hereinafter provided, as the depositary for such money, by a commission composed of the mayor, president of the board of education and the president of the council, and their successors in office, and to be known as the depositary commission.

Depositary commission.

Commission to be provided with books, etc.

SECTION 2. The officers designated in the preceding section as constituting such depositary commission shall serve as members thereof, and the commission shall be provided with necessary books and stationery, at the expense of the city; and the mayor shall be president, and the president of the council shall be secretary of the commission. The commission shall hold meetings on the first business day of each month, and whenever called to meet by the president for a special purpose, at the council chamber of the city, shall keep a record of its proceedings, and file all official papers received by it, which record and papers shall be open to public inspection; and a transcript of any entry in such record, or a copy of any such paper, duly certified as such by the president and secretary, shall be received as evidence in any of the courts in this state.

President and secretary.

Meetings.

Advertising for proposals.

SECTION 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in one newspaper printed and of general circulation in the city and district, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of section one, which proposals shall stipulate the rate of interest, and it shall not be less than two per centum, they will pay respectively for the use of the money aforesaid; and such proposal shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same in case its proposals be accepted.

Opening bids and awarding contract.

SECTION 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals, and shall award the use of such money to the bank offering the highest rate of interest therefor; but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; or if the commission have reason to believe there is collusion between the banks as to the rate of interest to be paid for the funds thus advertised to be placed in a city depositary, or if there be no bids, the commission may advertise from time to time until satisfactory bids are received.

Bond required.

SECTION 5. No such award shall be binding until there is executed by the bank and accepted by the commission, a good and sufficient undertaking, payable to the city, in a sum not less than three hundred thousand dollars, to be recovered in the name of the depositary commission, for the use of the city. Such undertaking shall be signed by six resident freeholders of the city as sureties, not more than half of whom shall be stockholders in the bank, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may

come into the custody fo the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and it shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of such money.

Bond must be approved by city solicitor.

SECTION 6. The undertaking provided for above shall not be accepted by the commission until it has been submitted to the city solicitor and certified by him to be in due and legal form, and comformable to the provisions of this act, which certificate shall be indorsed on the undertaking by the city solicitor, and if the bank to which an award is made as aforesaid fails to execute the undertaking required hereby, to the acceptance of the commission, within three days after the award is made, the commission may award the use of the money to any other bank the written proposal of which offers the same rate of interest therefor as is designated in the proposal of such defaulting bank; but not a less rate than is provided for in section 3, of this act, or the commission may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid; and in case of an award after such default the bank to which the award is made shall execute an undertaking as aforesaid, to the acceptance of the commission.

When bank becomes depositary.

SECTION 7. The bank to which an award is made shall, upon the acceptance of such undertaking by the commission, become the depositary of the money aforesaid until the undertaking of its successor is accepted by the commission; but the commission may require additional security from the bank, at any time it deems the same necessary, in such sum as it shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, the removal of the money therefrom forthwith may be ordered by the commission. The order for such removal, or for any removal under the provisions of this act, shall be entered in the record of proceedings of the commission; and a copy thereof duly certified as such by the president and secretary of the commission shall be transmitted to the city council, and a like copy to the board of education of the school district, and thereupon the city clerk shall issue his warrant for the withdrawal of the money of the city from the depositary, and thereupon the city treasurer, as such, and as treasurer of the school funds, shall issue checks accordingly for the removal; the money shall be disposed of as provided in section nine.

Additional security may be required.

Interest-bearing bonds may be accepted as security.

SECTION 8. The commission[er] may, in lieu of the undertaking provided for by preceding sections, accept as security, for money deposited as aforesaid, interest-bearing bonds of the city or school district, or of the county within which the depositary is located, or United States bonds, the face value of which shall not be less than the sum specified in section five as the amount to be named in the undertaking in lieu of which such bonds are accepted: or the commission may

accept such bonds in lieu of such undertaking in full and of the other in part; and in case of such acceptance as partial security the commission shall require an undertaking for the remainder of the full amount of the security specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the city or of the school district, as the case requires, in the event of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commission shall require the signature of each member thereof. The commission shall make ample provision for the safe-keeping of such bond or hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

In case no depositary is secured.

SECTION 9. If at any time, for any cause, the commission be unable to secure a depositary as provided by preceding sections, the money shall remain in the custody of the treasurer aforesaid, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be transferred to such treasurer, in the manner provided in section seven for removals, and in either case such treasurer shall be custodian as aforesaid until such time as a depositary is secured in accordance with the provisions of this act; and while he remain such custodian the money shall be paid out by him on warrants of the city clerk, which in such case shall not be in duplicate; but he shall keep such books and make such statements of receipts and payments, as city treasurer, as are required by this act when the money is in the custody of a depositary, except that such books and statements shall show that the money is in his custody instead of being in the custody of a depositary.

All public funds must be placed with treasurer.

SECTION 10. It shall be the duty of every board, officer, agent, and employe of each city within the provision of this act, having money in their hands belonging to the city, to deposit such money with the city treasurer upon the taking effect of this act; and thereafter such boards, officers, agents and employes as receive money on account of the city shall deposit with the treasurer daily all money so received by them, and no person or employe of the city shall pay out any public money for any purpose except such as is paid out by the city treasurer under the provisions of this act.

When money shall be deposited with depositary.

SECTION 11. The treasurer aforesaid shall, upon the receipt of a written notice, signed by the president and secretary of the commission, stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank selected, deposit in such depositary all the money in his custody belonging to the city and to the school district, respectively, and thereafter he shall, at the close of each business day, deposit therein his total receipts for the day. All money so deposited shall bear interest at the rate specified in the proposal of the bank selected as depositary,

Money so deposited shall bear interest.

to be computed on daily balances; and on the first day of March and the first day of September each year, and at any time the accounts are closed, the depositary shall place such interest on the money of the city to the credit of the city, and the treasurer shall, in writing, notify the city clerk of the amount so credited to the city, which shall be credited by the clerk to its several funds, including the school fund, in proportion to the total amount of each deposited.

Daily reports by depositary.

SECTION 12. The depositary shall, in writing, notify the city clerk before noon of each business day of the amount of deposits to the credit of the city, made by the treasurer the preceding business day; and the depositary shall pay out money deposited under the provisions of this act only on the checks of the city treasurer, and no such check shall be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the city clerk, authorizing the payment of the sum specified in the check. All such warrants and orders shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," and shall be filed and kept in the office of the treasurer to whom it is issued, and the other shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of such treasurer.

How money paid out by depositary.

Treasurer to make semi-monthly statements.

SECTION 13. On the second and fourth Saturday of each month the city treasurer shall make to the city clerk a sworn statement of the total amount of money received by him, the total amount deposited in the depositary, the total amount of checks issued on the depositary, and the balance in the depositary, and he shall keep such books as shall enable him to make such statements. All money paid to the city treasurer, except the collection of taxes placed upon the duplicate by the county auditor, shall be paid upon the order or draft of the city clerk, and receipts given therefor shall be in duplicate, one of which shall have printed upon its face the word "original," and the other the word "duplicate." The duplicates of receipts for money belonging to the city shall be filed with the city clerk, and each duplicate shall be so filed on the day of its date; and each receipt and duplicate shall state the amount received, from whom received, and to what fund or funds the same is to be applied.

How money paid to city treasurer.

Certain pay-rolls to be paid with cash.

SECTION 14. The monthly pay-rolls of the police, fire and street departments of the city, and the monthly pay-rolls of the board of education of the school district, shall be paid in cash; and to provide money for such payments, the city clerk, upon the receipt of an order and a pay-roll specifying the amount and to whom such payments are due, from the clerk of the board of education, countersigned by the president of the board, shall issue an order upon the treasurer for an amount equal to such pay-roll, which order and pay-roll shall be by the clerk of the city delivered to the treasurer, who shall draw his check upon the city depositary, if the money of the city is in the depositary, and if in the city treasury, in either case he shall pay the persons to whom such several amounts are due, taking their receipts therefor

upon such pay-roll. And for the pay-rolls of the city departments specified in this section, the clerk of the city shall, after approval by ordinance by the city council, issue his order upon the treasurer, and with delivery of such order to the treasurer, shall be a complete pay-roll of each of the aforesaid departments, specifying the person to whom and the amount to be paid; and the treasurer, upon the receipt of the order and pay-roll, shall draw his check upon the city depositary, if the money of the city is in a depositary, and if in the city treasury he shall, in either case, pay said several amounts, taking the receipt of the person to whom such payments are due upon the pay-roll furnished the treasurer by the city clerk; but all other payments made by the city shall be by separate orders, and shall be drawn in favor of the person to whom the amounts specified therein, respectively, are due, or in favor of their assigns. And each and every order drawn by the city clerk shall be in duplicate, the original being delivered to the party to whom the payment is made, and the duplicate, a stub from which the original has been detached, kept in a book provided by the city for such original and duplicate orders, and on file in the office of the city clerk.

Books to be kept by city clerk.

SECTION 15. The city clerk shall keep in his office books in which shall be entered the receipts of the city treasurer's office daily to the credit of the city, as shown by the duplicate receipts returned to him by the treasurer, the amount of deposits by the treasurer daily with the depositary to the credit of the city, as shown by the statements of the depositary, the daily aggregate amount of all warrants issued by him, and the balance at the close of each business day to the credit of the city in the hands of the depositary. And upon receipt by the city clerk of the sworn statement provided for by section thirteen, he shall certify thereon to the correctness of the same, if, upon comparison with his books, he find the same to be correct, and shall file such statement in his office. If any such sworn statement be found incorrect he shall forthwith give notice of such fact to the treasurer, and unless the discrepancy be discovered and corrected immediately he shall forthwith notify the depositary commission thereof.

No order to be issued unless sufficient money in fund.

Monthly statements by city clerk.

SECTION 16. The city clerk shall keep in his office books which shall show the balance daily to the credit of each fund of the city department and school district, and shall issue no order payable from any such fund unless there is money belonging thereto for the payment of the order in full; and on the first business day of each month he shall prepare, and submit to the depositary commission, a sworn statement for the preceding month, showing the total amount of money received into and paid out of each fund respectively, the balance to the credit of each, and also the total balance of money to the credit of the city and the school district, respectively, in the custody of the depositary, which statements shall be placed on file by the commission, and a copy of the statement made by the city clerk, duly certified as such by the commission, shall be transmitted to the board of councilmen of the city, and a like copy of the statement shall be trans-

mitted to the board of education of the school district, and each shall be read in open session at the next meeting of the board to which it is transmitted. On the day aforesaid some officer of the bank acting as the city depositary shall file with the depositary commission all checks of the city treasurer paid and redeemed by the bank during the previous month, and the commission shall compare such checks with the records of the city clerk's office, and if they be found to correspond the commission shall give the bank a receipt for the same, and they shall forthwith cancel and file such checks in the office of the clerk. Comparison of accounts.

SECTION 17. Upon the passage by the common council of any city contemplated by this act of the aforesaid ordinance, duly approved, providing for the payment of obligations of the city, the city clerk shall issue his warrants, subject to the provisions of sections fourteen and sixteen for the payment of such obligations, respectively. When city clerk shall issue warrants.

SECTION 18. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of the treasurer of the city; provided, such treasurers shall not be held liable for the loss of any money deposited as aforesaid while it is in the custody of the depositary. Liability of treasurer.

SECTION 19. In each city within the provisions of this act the city treasurer shall also be the treasurer of the school funds of the city. Treasurer of school funds.

SECTION 20. An officer, agent, or employe of any city contemplated by this act, or of any officer of the board of education of any such school district, who willfully violates any provision of this act, or willfully neglects or refuses to perform any duty imposed upon him by this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, for the use of the city, if he be an officer, agent, or employe of the city, and for the use of the school district if he be an officer, agent, or employe of the board of education thereof, or be imprisoned in the jail of the county not less than six months nor more than one year, or both, at the discretion of the court, and shall stand committed until fine and costs are paid. The council of any such city shall provide reasonable compensation to the treasurer thereof in addition to any salary heretofore provided for in any sum not less than two hundred dollars per annum for the additional duties imposed upon him by this act. Penalty. Additional compensation for city treasurer.

SECTION 21. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
188G

[Senate Bill No. 606.]

AN ACT

Supplementary to section 2293 of the Revised Statutes of Ohio.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2293 of the Revised Statutes, with sectional numbering as herein provided:

Cities first grade, first class (Cincinnati), may pave streets with granite block, asphalt, etc.

Sec. 2293*d*. In cities of the first grade of the first class, the board of public improvements, or board of city affairs, or their successors in office, shall have authority to cause any of the streets, avenues, or highways of said city to be improved with granite block, asphalt pavement, or other material and the method of procedure in such case shall be as follows, viz:

Procedure.

1. The provisions contained in paragraphs 1, 2, 3, 5 and 7 of section 2293*a*, as enacted April 25th, 1885, shall apply to improvements under this act, and be the mode of procedure hereunder.

Certain material to become property of contractor.

2. All material necessary to be removed from any street, avenue, or highway where such improvement is to be made, shall go to and become the property of the contractor as part compensation for such improvement, and the advertisement for bids shall state that said materials are to go to the contractor, so that all bidders may know that fact and make their bids with reference thereto.

Issue of bonds.

3. In order to provide a fund for carrying on said improvements and paying so much of the cost thereof as is herein provided to be paid by the city at large, it shall be lawful for said board to issue bonds in the name of said city, under the corporate seal thereof, in addition to any amounts now authorized by law for such purposes, during each of the four fiscal years following the passage of this act, in such amounts as they may deem necessary, not to exceed in any one year the sum of three hundred thousand dollars, in addition to the amounts now authorized by law; provided, that all of said sum for which bonds may be issued during any one year need not be expended or paid out during the year in which said bonds are issued. Said bonds shall be made payable in not less than ten years and not more than twenty years from the date of their issue, and bear interest at a rate not exceeding four per centum per annum; said bonds shall be signed by the president of said board and attested by the mayor of said city, and

Levy of tax.

shall be secured by the pledge of the faith of said city and a tax which it shall be the duty of the council of said city, or its successors in office, annually to levy upon all the taxable property of said city, and certify the same to the county auditor, upon a certificate to that effect, from the board of public improvements or city affairs or its successor in office, as the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. The tax shall be in addition to the amount now authorized by law to be levied for municipal purposes.

How bonds sold, etc.

4. Said board of public improvements or city affairs, or their successors in office, shall receive bids for said bonds, from

time to time as they are issued, after advertising the same for sale once per week, for four consecutive weeks, on the same day of the week, in some newspaper of general circulation in said city, and shall sell the same for not less than the par value thereof, to the highest bidder; the money arising from the sale of said bonds shall be placed in a fund to be called "the additional granite pavement fund," and a careful account of the condition of said fund shall be separately kept by the city comptroller or auditor, or his successor in office.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
189G

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[House Bill No. 296.]

AN ACT

To amend section 3324 of the Revised Statutes of Ohio.

Railroad companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3324 be so amended as to read as follows:

Railroad companies must construct and maintain fences, crossings and cattle-guards.

Sec. 3324. A company or person having control or management of a railroad shall construct, or cause to be constructed and maintain in good repair on each side of such road, along the line of the lands of the company owning or operating the same, a fence sufficient to turn stock; and when such fence is constructed out of wire there shall be securely fastened to the posts, at the top of the same, at right angles thereto, at least one board, not less than one and one-eighth inches thick and five inches wide and extending the entire length thereof and before operating such road shall cause to be maintained at every point where any public road, street, lane, or highway, used by the public, crosses such railroad, safe and sufficient crossings, and on each side of such crossings, cattle-guards sufficient to prevent domestic animals from going upon such railroad, and such company or person shall be liable for all damages sustained in person or property in any manner by reason of the want or insufficiency of any such fence, crossing, or cattle-guard, or any neglect or carelessness in the construction thereof, or in keeping the same in repair. That provided, where any road now in process of construction, or any proposed road, passes through any enclosed land, that the company or person having control of any such road shall, during the construction of the same, provide suitable crossings for the owner or occupant of each farm, and make and keep in repair fences along the line of such road through such enclosed fields as are necessary to keep stock within the limits of such enclosed fields, and protect any crops growing thereon; and further provided, that where the company or person agrees, with the owner of the lands through which any rail-

road passes, that said owner shall build and keep in repair any portion of the fencing, and should said fencing be destroyed or damaged by fire from passing trains, said company or person owning or operating such road shall rebuild or repair said fence, provided the property holder should demand it; and provided, that if any railroad company shall fail or refuse to construct any fence in the manner hereinbefore provided, within six months after the passage of this act, and after having received written notice so to do from the owner or occupant of any lands through which the road may pass, [that] then said owner or occupant may after thirty days from the time of serving such notice upon the agent of such company nearest said lands proceed to construct the same, and the company shall be liable to such person for the cost thereof. This act shall apply to all fences now built, as well as those hereafter constructed.

Repeals.

SECTION 2. That section 3324 of the Revised Statutes of Ohio be and the same is hereby repealed.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
190G

[House Bill No. 1191.]

AN ACT

To authorize telephone companies to place and maintain their wires under ground, when consent is had of cities where the same are situated.

Telephone companies may, with consent of city authorities, maintain wires under ground.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company organized under the laws of this or of any other state, and owning and operating a telephone exchange in any city in this state, may construct and maintain underground wires and pipes, or conduits and other fixtures for containing, protecting and operating such wires in the streets and public ways of said city, when the consent of such city has been obtained therefor.

By whom consent shall be given.

SECTION 2. Such consent shall be given by the board of city commissioners, board of public improvements, board of public works, or board of administration of such city, or their respective successors in office, or by the city council in cities where no such board exists.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
191G

[House Bill No. 1545.]

AN ACT

To amend sections 3926 and 3927 of the Revised Statutes.

Township and special districts:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3926 and 3927 of the Revised Statutes of Ohio be amended to read as follows:

How special district abandoned.

Sec. 3926. When the electors of a special or village district desire to abandon their organization, and become a part of the township district of the township in which such special or village district is located, they may make the change in the following manner: Written or printed notices shall be posted in at least five of the most public places in the district, signed by a majority of the members of the board of education, or one of the board and at least six resident electors of the district, requesting the qualified electors thereof to assemble on a day, and at an hour and a place designated in the notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change; the electors, when assembled at the time and place designated in the notices, shall appoint a chairman and two clerks, who shall be judges of the election, which shall continue at least two hours; those in favor of the change shall have written or printed on their ballots the words "School—Change;" and those opposed thereto the words "School—No change," and a majority of the ballots cast shall determine the question whether the change shall be made; the judges shall, within five days after the election, make due return thereof to the board of education of the district; and if a majority of the votes cast are in favor of the change, the board shall immediately certify that fact to the township board, which shall thereupon assume jurisdiction of the territory, property and affairs of the special or village district, and thereafter treat such district as a sub-district of the township district.

Members of the board to become directors.

Sec. 3927. The members of the board of education of the special or village district, which has three members only, shall be directors of the sub-districts so created, for the remainder of the terms for which they were elected, respectively; but if the special or village district making such changes, has a board of six members, it shall, within ten days after making such change, elect a board of directors, consisting of three members, one to serve for one, one for two, and one for three years, from the second Monday of April following, and annually thereafter as is provided for in section 3916. The clerk of the special or village district board shall deliver to the clerk of the township board all the books and papers of the special district in his custody, and notify the county auditor, in writing, of the abandonment of the organization of the district; the treasurer of the special or village district board shall deliver to the treasurer of the township board all the books, papers and money of the special or village district in his possession; the township board shall complete all unfinished business pertaining to the special or

Disposition of property, etc.

village district; any debt contracted by the special or village district board, shall be paid out of the money transferred to the treasurer of the township board, as herein provided, and out of the money arising from the taxes levied by the special or village district board; and if such funds are insufficient therefor, the remainder shall be paid by a special tax upon the property of the sub-district so created.

Repeals.

SECTION 2. That original sections 3926 and 3927 of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
192G

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[House Bill No. 1667.]

AN ACT

To amend an act entitled "An act to authorize the transfer of certain church property," passed March 12, 1890.

Transfer of certain church property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act to authorize the transfer of certain church property," passed March 12, 1890, be and the same is hereby amended to read as follows:

How effected.

Sec. 1. Any ecclesiastical society incorporated under the laws of this state connected with a church of Christ in this state, may by a three-fourths vote of its adult members present and voting at a meeting warned and held for that purpose, assign, transfer and convey to the church with which it is connected, and which is incorporated under the laws of this state, all the property and estate, real and personal, and trust funds of said society to be held by said corporation under the trusts and for the same uses upon which the same had heretofore been held by such society, and the society committee or trustees are fully authorized to make, pursuant to such vote, any and all conveyances necessary to complete such assignment and transfer; but, before the same shall be effectual a certificate of the fact of such assignment and transfer shall be filed in the office of the secretary of state, and in the office of the clerk of the county in which the property is located.

Repeals, etc.

SECTION 2. That said original section one be and the same is hereby repealed and this act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
193G

[House Bill No. 758.]

## AN ACT

To provide for the improvement of streets and alleys in incorporated villages situated in counties containing a city of the first grade of the second class.

Councils of certain villages (Westerville) authorized to order permanent improvement of streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the councils of incorporated villages, which at the federal census of 1880 had, and which at any subsequent census may have, a population of not less than 1,100 nor more than 1,200, and which are situated in counties containing a city of the first grade of the second class, shall have authority to cause any of the streets, avenues, or alleys, or parts thereof, to be improved with granite or other stone blocks, asphalt, hard-burned bricks or blocks, cobble-stones, boulders or other permanent material, and wherever needed in connection therewith, to curb and gutter said streets, avenues, or alleys, and to ordain that said improvements shall be paid for and assessed upon the property abutting on the same, in accordance with the various provisions of this act, and in accordance with the various provisions of law [not enacted] applicable thereto and not inconsistent with this act.

Costs to be assessed on abutting property.

Petition therefor.

SECTION 2. No ordinance for the improvement of any such street, avenue, or alley, or part thereof, shall be passed by the council of any of said villages, and no proceedings therefor shall be begun unless there shall have first been presented to such council a petition therefor, signed by the owners of more than one-half of the property abutting on such street, avenue, alley or part thereof, not including intersections, which petition shall state with what material the street, avenue, alley, or part thereof, shall be paved, and the length of the period over which the bonds for such improvement shall extend.

Street intersections.

SECTION 3. For the purposes of assessment under this act, said villages shall be considered property owners as to all street intersections and any other property belonging to the corporation abutting on the street, avenue, or alley, so improved, and the assessment chargeable to the corporation shall be included in the bonds issued for the improvement, and paid by it in like manner as by other property owners.

Issue of bonds, etc.

SECTION 4. In order to provide for the payment of the cost and expenses of said improvements, the said council may, from time to time, as the improvement progresses, issue the bonds of such villages, in such sums as will be required, in all to an amount not exceeding the contract price of the work and all the other expenses attending the same, and interest, as hereinafter provided for. Said bonds shall be issued as other bonds of such villages are issued, but they shall bear the name of the street, avenue or alley, for the improvement of which they are issued, and shall state therein that they are to be paid by an assessment upon the property abutting on the said improvement; said bonds shall extend over a period of at least eight years, to be provided in the ordinance directing the improvement, and shall bear interest at a rate

not exceeding six per centum per annum, payable annually, on the first day of January or July, as the council may direct; and the principal and interest shall be payable at the office of the treasurer of the county in which such village may be situated.

Sale of bonds, and disposition of proceeds.

SECTION 5. The said bonds shall not be sold at less than par, as the other bonds of said villages are negotiated, and the proceeds shall be applied solely to pay for the improvement for which they were issued, and the proceeds shall only be paid upon the certificate of the superintendent herein provided for, that the work has been done according to contract.

Assessment of cost.

When the whole work is done the amount of the bonds sold to pay for the same and the interest thereon to the next interest day, as may be directed in the ordinance for said improvement, when assessments can be collected as hereinafter provided to pay the same shall be taken as the cost of the improvement to be paid by abutting property owners, and the amount shall be assessed equally by the foot front of property fronting or abutting on said improvement.

Payment of assessments.

SECTION 6. Such assessments shall be placed on the tax duplicate and shall be payable in equal annual installments to meet said bonds provided for in the ordinance ordering said improvement, at the county treasurer's office, with interest at the rate provided in said bonds from the date to which such interest was computed, payable annually until all said bonds and interest are fully paid.

Assessments to be a lien.

SECTION 7. Such assessments with the interest accruing thereon, shall be a lien on the property abutting upon the street, avenue or alley so improved, from the time the contract is entered into for the making of said improvement, and shall remain a lien until fully paid, having precedence of other liens except taxes, and shall not be diverted by any judicial sale unless the payment of the same is provided for from the proceeds of such sale; provided, such lien shall be limited to the usual depth of the lots and lands abutting on said improvement. No mistake in the description of the property or the name of the owner or owners shall impair the said lien.

Assessments may be paid at any time.

SECTION 8. Any owner of property against whom an assessment shall have been made for such improvement, shall have the right to pay the same or any part yet remaining unpaid in full, with interest thereon to the time of the next annual payment due on said property, and such payment shall discharge the lien on the property. If any owner shall subdivide any abutting property after such lien attaches, he may discharge the same upon any part thereof in like manner by the payment of a proportionate part of the whole assessment, with interest as aforesaid.

Moneys shall be appropriated only for payment of interest and bonds.

SECTION 9. All moneys received from such assessments shall be appropriated by the proper authorities of villages solely to the payment of the interest on and redemption of the bonds issued for said respective improvements or any renewal thereof.

Temporary loans.

If any bonds or interest shall be due, and no money is in hand to pay the same, the said villages shall be authorized to make a temporary loan to pay the same, but

such lien shall continue in full force on the abutting property for the assessments not paid and accruing interest for such temporary loan in behalf of such villages.

Street commissioners and superintendent.

SECTION 10. When such ordinance is enacted the said village councils may designate three or more owners of property abutting upon said improvement, who shall constitute a board to serve without compensation, which, after the contract for the improvement shall have been made by the council under section 2303, may elect a superintendent, who shall see that the said contract is performed according to its true intent, and such board shall fix the compensation of the superintendent, which shall be a part of the cost of the improvement. When completed the said superintendent shall certify the same, and shall make a proper plat and assessment for said improvement on the abutting property.

Technical defect shall not invalidate assessments.

SECTION 11. In any action to enforce or enjoin any assessment, the court shall disregard any irregularity or defect, whether in the said board or council or any officer of the corporation, or in the plans or estimates, and the acceptance of the work by the council, upon the certificate of the superintendent, shall be presumptive evidence that the contract has been complied with and the assessment exists; but if it be shown that any substantial defect exists in the improvement, or there is any fraud in the contract price or materials, the court may order such deduction therefor from the cost of such improvement, and such deduction shall be ratably made from the assessments on all the property abutting on said improvement, and the court may make such order in regard to the costs, where such substantial defect or fraud is found, as to the court shall seem proper.

Deductions for defects in work.

"Owner" defined.

SECTION 12. The term owner in this act shall be construed to include all corporations, private, public, state or municipal.

Certain section shall not apply.

SECTION 13. Section 2270 of the Revised Statutes of Ohio, as amended April 25, 1885, shall not apply to any improvement ordained to be made under this act.

SECTION 14. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
194G

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[House Bill No. 894.]

AN ACT

To supplement section 932 of the Revised Statutes of Ohio, relating to children's homes, with sectional numbering as follows:

Children's homes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 932 be supplemented with sectional numbering as follows:

Indenture of children.

Sec. 932*a*. It shall be the duty of the superintendent when any child is indentured to any person, at once to notify the clerk of the township in which such person resides of the same, whose duty it shall be to keep a record of all such indentures, of the name of such child or children, to whom indentured and expiration of time of same, and also the change of residence of the person to whom such child is bound, and such other matter in relation thereto as may be deemed important. And it shall be the duty of the trustees of such township to inspect said record once in every three months, and if they find any such child or children so indentured to any person in the township, they shall visit at least once a year, at the house of such person and look after its care, treatment and moral welfare, and they shall also visit the school in the district within which such child resides at least once a year and make inquiry concerning its attendance at school and progress in learning, and said visits shall be oftener, at the discretion of said trustees, and always upon complaint being made to them in writing, giving the reasons for said complaint, and in all cases of such visits such trustees shall make full report of the same, and the care, treatment, moral welfare and progress in learning of such child to the clerk of said township who shall report the same to said superintendent, and if said report is unfavorable to the proper care, treatment, moral welfare or progress in learning of such child, the trustees of said home shall immediately visit the place of residence of such child, and if such child is not properly cared for, treated, morally instructed or advanced in privileges for learning, they shall at once terminate said indenture, and return said child to said home. It is further made the duty of the township trustees, through said clerk, to notify the superintendent of all removals of such child or children from said township, giving the township where removed to, with the post-office address to the superintendent, whose duty it shall be at once to notify the clerk of the township to which such removal is made, the same as if originally indentured in said township. If any of the officers aforesaid shall fail to perform his duty under the provisions of this section, he shall, upon the complaint of any person to any court having jurisdiction and conviction thereof, be fined in any sum not exceeding fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
195G

[House Bill No. 1225.]

## AN ACT

Providing for the relief of grantees for the construction and operation of street railroads in certain cases.

Establishment of street railroad route in cities first grade, first class (Cincinnati), made valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where in cities of the first grade of the first class the council has heretofore, by ordinance, established any street railroad route and declared the conditions upon which a street railroad should be constructed and operated upon and along such route, and due publication of a notice has been made calling for proposals to construct and operate such street railroad to be awarded to the corporation, individual or individuals that should agree to carry passengers thereon at the lowest rates of fare, and the proposal of a bidder who obtained and filed the written consents of the owners of the majority of the feet front of property on each street on the line of the route has been accepted thereon, and an ordinance passed granting to such bidder the franchise to construct and operate such street railroad, and such bidder has accepted the same and entered into a written contract with such municipal corporation to construct and operate such street railroad, such ordinance, grant, contract and franchise shall be deemed and held, in all respects, to be valid and binding, notwithstanding the submission of another bid at such letting by a bidder proposing to carry passengers on such route at a lower rate of fare, who failed and neglected to obtain and file the written consent of any of the property owners on the line of said route.

Authorizing municipal authorities to grant permission to extend tracks, etc.

SECTION 2. In cities of the first grade of the first class the board of city affairs or board of public improvements, or their successors in office, may, by resolution, grant permission to any corporation, individual or company owning or having the right to construct any street railroad, to extend their tracks and route subject to such provisions of sections 3437, 3438, 3439, 3440, 3441, 3442 and 3443 of the Revised Statutes as are applicable and not in conflict herewith, on any street or streets when such board may deem such extension beneficial to the public; and when any such extension is made, the charge for carrying passengers on any street railroad so extended, and its connections made with any other road or roads by consolidation under existing laws, shall not be increased by reason of such extension or consolidation

Fare not to be increased on account of extension, etc.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
196G

[House Bill No. 1437.]

## AN ACT

**To amend section 3641*a*, as amended March 27, 1884.**

Insurance companies other than life:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3641*a*, as amended March 27, 1884, be and the same is hereby amended so as to read as follows:

Fire insurance companies may insure against lightning, explosions and tornadoes.

Sec. 3641*a*. All companies heretofore organized, or that may hereafter be organized, for the purpose of insuring against loss or damage by fire, may insure against loss or damage by lightning, explosions from gas, dynamite, gunpowder, and other like explosions and tornadoes.

Accident and trust insurance companies may insure against accidents to employes.

Sec. 3641*b*. A company heretofore organized or that may hereafter be organized to do business under clause two of section 3641, chapter eleven, title two, of the Revised Statutes of Ohio, may make insurance to indemnify employers against loss or damages for personal injury or death resulting from accidents to employes or persons other than employes, subject however to the restrictions in said section provided.

Repeals.

SECTION 2. Said section 3641*a*, as amended March 27, 1884, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
197G

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[House Bill No. 1668.]

## AN ACT

**Supplementary to an act entitled "An act to provide a more efficient government for the cities of the second grade of the first class," passed February 26, 1891.**

Succession to the mayoralty in certain cities (Cleveland)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the mayor of any such city elected under the provisions of the act to which this is supplementary shall be temporarily absent from such city, or become temporarily disabled by sickness, accident or insanity, the heads of the departments named in the act to which this is supplementary shall, during said absence or disability, perform the duties of the mayor, under the designation of "acting mayor," in the following order to-wit: Law, public works, police, fire, accounts, and charities and corrections. Provided, that if such temporary absence or disability of the mayor so elected as aforesaid shall continue for more than fourteen successive days, then said acting mayor shall have power to designate some suitable person, from the official force of said department, to perform the duties of his proper department, until such time as such absence shall terminate, or the removal of the disability of the mayor so elected as aforesaid enables him

to resume his duties as such mayor, and enables the acting mayor to resume the duties of his own proper department. And if said mayor so elected as aforesaid shall die, or remove his residence from such city during the term of his office, the succession to the office of mayor shall be from the heads of departments in the same order as aforesaid, and such successor shall become the mayor of such city for the unexpired part of said term, and such succession shall cause a vacancy in said department, which shall be filled for the balance of the term in the same manner as is provided by the act to which this is supplementary, for the appointment of said heads of departments. In like manner, if any heads of said departments are absent from the city, or are disabled by sickness, accident or insanity, for a period of more than two weeks, the mayor or acting mayor shall designate some suitable person to perform his duties until the head of said department resumes his office.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
198G

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[House Bill No. 1670.]

AN ACT

To amend section 553 of the Revised Statutes as amended March 20, 1889.

Provisions for courts of record:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fifty-three of the Revised Statutes as amended March 20, 1889, be and is hereby amended to read as follows:

Court constables: duties and compensation.

Sec. 553. The court of common pleas, and circuit court in any county, and the supreme (superior ?) court in any city or county and the probate court in any county containing a city of the first class and first grade, and of the second grade of the first class and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge such other duties as the court requires. And each constable, when so directed by the court, shall have the same power to call and impanel jurors which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors except in counties containing a city of the first grade of the first class, and of the first grade of the second class it shall be eight hundred dollars per annum, and in counties containing cities of the second grade of the first class, it shall be $600 per annum, except the constable appointed by the probate court, whose compensation shall be

eight hundred dollars per annum, and in counties containing cities of the third grade of the first class, the compensation shall be at the rate of two dollars per day during the entire term of the court, and in all cases shall be paid out of the county treasury on the order of the court.

Repeals.

SECTION 2. That section 553 of the Revised Statutes as amended March 20, 1889, be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
199G

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[House Bill No. 1682.]

AN ACT

To authorize any village having at the federal census of 1880, a population of eleven hundred and twenty-seven, or which at any subsequent federal census may have a population of one thousand one hundred and twenty-seven, to erect or purchase an electric light plant.

Certain villages (Granville) authorized to establish electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village having at the federal census of 1880, a population of one thousand one hundred and twenty-seven or which at any subsequent federal census may have a population of one thousand one hundred and twenty-seven, is hereby authorized and empowered to erect or purchase an electric light plant, for the purpose of lighting the corporation, and for that purpose, said council is hereby authorized to purchase dynamo, wire, poles, and the appurtenances thereto belonging, and materials necessary for the successful operation of the same, at a total cost and sum not to exceed six thousand dollars ($6,000).

Issue of bonds authorized.

SECTION 2. For such purpose said village council are authorized to issue the bonds of said village in a sum not to exceed the cost of said electric light plant, and in no event more than six thousand dollars ($6,000.00) which shall not be sold for less than their par value, and shall bear interest at a rate not to exceed six per cent. per annum from date of issue, payable semi-annually. The principal of such bonds shall be payable at such times and places as the council may determine, within a period not exceeding twenty years, and shall be adjusted and sold according to law.

Levy of tax.

SECTION 3. Said council is authorized to levy a tax on all the taxable property of said village, in addition to what it is now authorized by law to levy, sufficient to meet the annual interest on said bonds and pay the principal thereof as the same falls due.

Question to be submitted to vote.

SECTION 4. Before issuing said bonds, levying said tax, and erecting and constructing said electric light plant, the question shall be submitted to a vote of the qualified electors

of said village at a general or special election to be held within six months from the passage of this act, at the place of holding elections in said village, by giving ten days' notice thereof in some newspaper published in said village. The tickets to be voted at said election shall have written or printed thereon, "Electric light plant—Yes," or "Electric light plant—No." And if a majority of all the votes cast at said election are in favor of electric light plant and issuing of said bonds, then the council may proceed to issue said bonds and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
200G

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[Senate Bill No. 55.]

AN ACT

To require life insurance companies doing business in the state of Ohio, to make definite statements to the commissioner of insurance and to policy-holders.

Life insurance companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3608 of the Revised Statutes be amended so as to read as follows:

Must file annual statement.

Sec. 3608. Every such company doing business in this state shall, annually, file a statement of its condition and affairs in the office of the superintendent of insurance, and in the form and manner required of similar companies organized under the laws of this state; provided, that in such statement no such item as "all other expenditures," or "incidentals," shall be allowed or recognized; but that every item of disbursement or expenditure shall be clearly and distinctly stated and classified when required by the superintendent of insurance, and for the protection of the interests of policy-holders in this state, as provided by the laws of this state, and any such company issuing policies on tontine or semi-tontine plan, or which claims to be mutual as to its profits to residents of this state, shall, after the payment of the first premium thereon, and not more than sixty days and not less than ten days prior to the maturity of each and every premium, thereafter in writing notify every such policy-holder, namely the person whose life is insured or the assignee of said policy, if said company has been notified of said assignment, and the address of said assignee given residing in this state, of the time of payment of such premium, and proof of the depositing of said notice to said policy-holder or assignee in the post-office by said company or its agent, postage prepaid to the last address as given by said policy-holder or said assignee to said company shall be conclusive

Tontine and semi-tontine companies must notify policy-holders of time of payment of premium.

proof of the serving of said notice, and shall set forth fully in said notice the amount of dividend belonging to said policy, when requested by the policy-holder if the same be a participating policy, and at the end of the tontine or semi-tontine period of each policy, the company issuing the same shall make a statement to the policy-holder of all the dividends and profits accruing to said policy, and from what sources the same has been derived.

Statement at end of period.

Repeals.

SECTION 2 Said original section 3608 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
201G

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[Senate Bill No. 113.]

AN ACT

To amend section 3654 of the Revised Statutes of Ohio, as amended April 14, 1888, relating to insurance.

Insurance companies other than life:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3654 of the Revised Statutes of Ohio, as amended April 14, 1888, be amended so as to read as follows:

Annual reports of companies.

Sec. 3654. The president or vice-president and secretary of each insurance company organized under any law of this state shall, annually, on the first day of January, or within thirty days thereafter, prepare, under oath, and deposit in the office of the superintendent of insurance, a statement of the condition of such company on the thirty-first day of December, then next preceding, exhibiting the following facts and items, and in the following form, namely:

FIRST. The amount of the capital stock of the company, specifying the amount paid and unpaid.

SECOND. The property or assets held by the company, specifying:

1. The value of the real estate owned by such company, where it is situated, and the value of buildings thereon.

2. The amount of cash on hand and deposited in banks to the credit of the company specifying in what banks the same is deposited.

3. The amount of cash in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages, which are the first lien on real estate, and on which there is less than one year's interest due.

5. The amount of loans on which interest has not been paid within one year.

6. The amount due the company on which judgments have been obtained, and the cash value thereof.

Annual reports of companies.

7. The amount of stocks in this state, the United States, of any city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and the par and market value of each kind of stock.

8. The amount of stock held as collateral security for loans, with the amount loaned on, and the par and market value of each kind of stock.

9. The amount of unpaid assessments on stock, premium notes or contingent liabilities.

10. The amount of interest due and unpaid, and the amount of interest accrued but not due.

11. The amount of premium notes or contingent liabilities on which policies are issued.

12. The number of policies in force.

13. The amount insured under all policies in force.

14. The amount of premiums received thereon.

15. The amount and a description of all other assets.

THIRD. The liabilities of the company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses incurred during the year, including those claimed and not due, and those reported to the company upon which no action has been taken.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends, either cash or scrip declared but not due.

6. The amount of money borrowed, and the security given for the payment thereof.

7. The amount required for re-insurance, being in stock companies a sum equal to fifty per cent. of the whole amount of premiums on unexpired risks and policies, and in mutual companies a sum equal to fifty per cent. of the cash premiums received on unexpired risks and policies.

8. The amount of all other existing claims against the company.

FOURTH. The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes or contingent assets received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

FIFTH. The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior, and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in each preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. The amount paid for taxes.

5. The amount of all payments and expenditures.

6. Amount of scrip dividend declared.

Every mutual fire insurance company created by or organized under any general or special law or act, and doing business in Ohio under any law of this state, upon or without the premium note plan, which shall by its policy, by-laws or publish[ed] statements of its financial affairs, claim the benefit of the guaranty fund, or the contingent liability of its policy-holders as provided for in section 3634 of the Revised Statutes, as now in force, shall be held as having organized under the laws of this state as now in force, and be governed by all the provisions thereof as applicable to such companies; and every such mutual fire insurance company that shall neglect or refuse to make and forward to the superintendent of insurance such annual report of its affairs as is required by law, or shall refuse to allow and permit the superintendent of insurance free access to its books and papers and investigate the financial standing of such company, the charter of every such company organized under the laws of this state as aforesaid, and so neglecting and refusing shall thereby become forfeited, and the said superintendent of insurance shall proceed without delay to bring the affairs of such company to a close.

Penalty.

Repeals, etc.

SECTION 2. That said section 3654, as amended April 14, 1888, is hereby repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
202G

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[Senate Bill No. 381.]

## AN ACT

Supplementary to an act relating to the imprisonment of convicts in the Ohio penitentiary, and the employment, government and release of such convicts by the board of managers, passed March 24, 1884, and of acts amendatory thereof.

Parole of prisoners in Ohio penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no prisoner confined in the Ohio penitentiary shall be considered eligible for parole, and no application for parole shall be considered by the board of managers until such prisoner is recommended as worthy of such consideration by the warden and chaplain of the penitentiary; and before consideration by the board of managers notice of such recommendation shall be published for three successive

weeks in two papers of opposite politics, in the county from which such prisoner was sentenced, provided, the expense of such publication shall not exceed one dollar to each paper, and in no case shall any prisoner be released, either conditionally or absolutely, unless there is, in the judgment of the managers, reasonable ground to believe that he will, if released, live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, and such judgment shall be based upon the record and character of the prisoner established in prison; and no petition or other form of application for the release of any prisoner shall be entertained by the managers, and no attorneys or outside persons of any kind shall be allowed to appear before the board of managers as applicants for the parole of a prisoner, but these requirements shall not prevent the board of managers from making such inquiries as they may deem desirable in regard to the previous history or environment of such prisoner, or as to his probable surrounding if paroled, but such inquiries shall be instituted by the prison managers themselves, and all information thus received shall be considered and treated as confidential.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
203G

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[Senate Bill No. 415.]

## AN ACT

To authorize villages to levy special assessments, payable in annual installments, for the construction and improvement of sidewalks, and to be supplementary to section 2328 of the Revised Statutes, and known as section 2328*a*.

Assessments—sidewalks, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2328 of the Revised Statutes, with sectional numbering as herein provided:

Councils of certain villages (in Hamilton county) may construct sidewalks, etc.

Sec. 2328*a*. In any village in any county containing a city of the first grade of the first class in which no sidewalks have already been constructed under the provisions of section[s] 2334*a*, 2334*b* and 2334*c*, the council of such village may construct sidewalks wherever such sidewalks have not been already laid, and assess the costs and expense of such sidewalks upon the abutting lots and lands in the corporation, according to the front foot of the property bounding and abutting upon the improvement, and the assessment shall be a lien upon said abutting lots and lands and may be made payable in one or more installments, and at such times as council may prescribe; and council may issue bonds in anticipation of the collection of such assessment for the cost and expense of the

improvement, together with the cost of issuing the bonds and the interest thereon, which bonds shall correspond in amount and time of payment with such annual installments of the assessments levied, and bear a rate of interest not exceeding six per cent. per annum, payable semi-annually.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 16, 1891.
204G

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[Senate Bill No. 450.]

AN ACT

To provide for repair of levees.

Repair of levees for protection of private property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any levee constructed on lands bordering on any water-course by agreement of the owners of the land to protect the same from inundation, or from washing caused by reason of the overflow of said land shall be kept in proper condition and repair by the said land-owners, and whenever a break has occurred or may occur in such levee, or it is damaged to such an extent that the water overflows the adjacent land, and the owner of the land whereon the break or damage occurred fails to repair the same within twenty days thereafter, the county commissioners, upon the petition or complaint of any land-owner interested in the preservation of said levee, shall cause the break or damage to be repaired, without unnecessary delay, and shall assess the expense thereof upon the land where the break or damage occurred, if they are satisfied said land should bear the entire expense, or may determine what owners of land protected by said levee should assist in the repairs and in defraying the costs and expenses, and apportion the same as to them may seem just and equitable; and if said owner or owners shall neglect or refuse to pay the amount of the expense of such repairs, so apportioned, the county auditor shall place the same upon the tax duplicate, to be collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 16, 1891.

205G

[Senate Bill No. 520.]

## AN ACT

To provide for the construction of trunk sewers for the joint use of villages situated in counties containing cities of the first grade of the first class.

Construction of trunk sewer by certain villages (in Hamilton county): commission for.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the petition of the councils of four or more villages situated in any county containing a city of the first grade of the first class requesting the same, the judge of the probate court shall appoint a board of commissioners, composed of four citizens of the villages whose councils have joined in said petition, chosen equally from the two leading political parties, and no two of whom shall be residents of the same village, to construct a trunk sewer for sewage purposes only for the joint use of said villages, and such other villages as may thereafter be included in the manner hereinafter prescribed. Such commissioners shall receive no compensation, but be repaid their necessary expenses. All vacancies in the office of commissioners shall be filled by the appointment of the judge of the probate court from the same political party as the original appointment, and from one of said villages not already represented by a commissioner remaining in said board.

Organization and powers of board.

SECTION 2. Said board shall select from their own number, a chairman, and have power to appoint a clerk, a civil engineer, a superintendent, and other necessary employes, and fix their compensation. Said board shall also have the power to adopt a plan for, and locate such sewer, flushing-tanks, and other necessary appurtenances for the proper construction and use thereof, and make and enter into all contracts connected therewith.

Meetings.

SECTION 3. Said board shall hold regular meetings at such time and place as may be agreed upon, and special meetings under such regulations as it shall prescribe, and cause to be kept a full record of its proceedings, and no contract of said board, or alteration or modification thereof, shall be valid until assented to at a regular meeting, and concurred in by a majority of all the members, and such assent entered on the minutes of its proceedings.

All expenditures must be authorized by board.

SECTION 4. No money shall be expended on account of said sewer or appurtenances unless first authorized by said board, and upon warrant signed by its chairman and clerk, to be paid by the county treasurer out of the fund hereinafter provided for, and no commissioner or other person holding any appointment from said board shall be interested directly or indirectly in any contract made by said board.

Plans, etc.

SECTION 5. Said board shall, before entering into any contract in respect to said sewer, cause plans and specifications, detailed drawings and forms of bids, to be prepared.

How contracts made.

SECTION 6. All contracts shall be made in writing for, and in the name of the villages joined in said work, and be signed by the chairman and clerk of said board, and the contractor.

No money to be paid under illegal contract.

SECTION 7. If a contract, agreement, or order made or authorized by said board be found to violate any of the provisions of this act, it shall at once become void and of no effect, and no money shall be paid or recovered for services rendered or material furnished thereunder.

Sealed proposals.

SECTION 8. Said board shall not enter into any contract for work or materials, except such as relate to locating the route of said sewer, procuring plans, drawings, specifications, and forms of bids, contracts and bonds, without first causing fifteen days' notice to be given in one or more newspapers of general circulation in said county; that sealed proposals will be received for doing the work or furnishing materials.

Bond to accompany bid.

SECTION 9. Each bid shall be accompanied with a bond in a sum to be fixed by said board, signed by sufficient sureties for the acceptance of the contract, if awarded by the board, and in case of refusal by the bidder to enter into a contract according to his bid within such reasonable time as the board may determine, said bond shall be put in suit, and the amount collected paid into the fund hereinafter mentioned.

Where bid deposited, etc.

SECTION 10. All bids shall be enclosed in a sealed envelope and deposited with the clerk of said board, and such sealed envelope shall have indorsed thereon the nature of the same, and all bids shall be opened at the regular meeting of the board.

Whom contract to be awarded to.

SECTION 11. Said board shall enter into contracts with the lowest and best bidder upon his giving bond to the state of Ohio, for the use of said villages, with such sureties as the board shall approve, that he will perform the work and furnish materials in accordance with his contract; and on the failure of such bidder within a reasonable time to be fixed by the board, to enter into bond with the sureties before provided, a contract may be made with the next lowest and best bidder, and so on until a contract is effected by a contractor giving bond as aforesaid; provided, that the board may let the work in whole or in part, and may reject any and all bids.

Issue of bonds and apportionment of cost.

SECTION 12. To create a fund to defray the expenses to be incurred under this act, and to be called "the trunk sewer fund of the village of ——— and other villages," the councils of the villages so joined shall forthwith, upon the receipt of orders of said board, certified by its chairman and clerk, from time to time, and as often as said board thinks necessary, borrow and pay into the county treasury money not exceeding in the aggregate the sum of one hundred and fifty thousand dollars ($150,000.00), in such sums as, and at no greater rate of interest than may be fixed by said board, and named in said orders respectively. Said aggregate of one hundred and fifty thousand dollars ($150,000.00) shall be apportioned among said villages in proportion to their respective totals of taxable property, as shown by the latest tax duplicate of the county, and before making an order for the payment of any of said money said board shall certify to each of the said councils the total apportionment of said one hundred and fifty-

thousand dollars ($150,000.00) to be paid by each of said villages. Whenever said board shall order the payment of any part of said $150,000.00 into the county treasury as aforesaid, it shall certify in said order to be sent to the councils of all of the villages at the same time said part so ordered, and the proportion thereof to be paid by each of the villages respectively, in accordance with their totals of taxable property as aforesaid. And to secure the payment of the principal and interest of the amounts borrowed by said villages respectively, the councils thereof shall issue bonds of said villages respectively, which bonds shall not be sold at less than their par value; shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall be of such denominations as said councils, respectively, shall determine. Provided, however, that said bonds shall have interest coupons attached and be due in twenty years and redeemable in ten years from date.

Levy of tax.

SECTION 13. The councils of the various villages so joined shall, at the time of making their annual levy, levy such amount of taxes as will pay the interest on such indebtedness of said villages respectively, and create a sinking fund sufficient to redeem the same at maturity, not exceeding the levy of one and a half mills on each dollar of taxable property. The council of any village coming under the provisions of this act, is hereby authorized, and it shall be the duty of the council of each of the said villages to borrow money, pay the same over into the county treasury, issue bonds therefor, and make an annual levy to pay the same, as provided in this act. And such levy is hereby authorized in addition to the tax allowed by law. And all the taxes levied and collected under the provisions of this act shall be applied to the specific object for which they are levied and no other.

How village may be subsequently permitted to join in construction.

SECTION 14. After the appointment of the board of commissioners as hereinbefore provided, if any village, other than those originally petitioning for said board, desire to join in the construction and enjoy the benefits of said sewer, its council may present a petition to said board to that effect at any time before the first payment of money into the county treasury has been ordered; and if said board shall consider that said petition can be granted without injury to the villages already united in constructing such sewer, it shall, forthwith, notify said additional village of the granting of its petition, and thereupon said additional village shall be included in said work as if having joined in the original petition therefor.

Board authorized to appropriate property.

SECTION 15. For the purposes of this act said board is hereby empowered for and in the name of said villages, to acquire by donation, purchase or condemnation, in accordance with the statutes providing for the appropriation of private property by municipal corporations, any part of private property, turnpike easement, or railway right of way, in or outside the limits of any of said villages which may be necessary for the construction and use of said sewer; and may also enter upon and use for said purpose any county road or street in or outside any of such villages. In the appropriation of

property as herein provided, said board shall proceed in the same manner and do the same things as nearly as practicable, as are by law required of a council of a municipal corporation. Said board is also empowered for and in the name of said villages to agree and contract with the proper authorities of any city for the right to connect said sewer for its outlet with any trunk sewer of said city, constructed or to be constructed.

Disposition of unexpended balance.

SECTION 16. Upon the completion of said work and payment of all liabilities, said board shall cause any unexpended balance of said fund to be repaid to said villages pro rata, and the same shall be placed by said villages in the sinking fund provided for in this act; and thereupon the term of office of said commissioners shall cease.

Responsibility of commissioners, etc.

SECTION 17. Said commissioners shall not be individually responsible to any contractor upon any contract made in pursuance of this act, nor to any person upon any claim occasioned by any act or default of any person contracted with, or employed by them, in pursuance of this act. But any of the said commissioners may be removed summarily by the judge of the probate court, for misconduct in office or neglect of duty.

Trunk sewer trustees.

SECTION 18. It shall be the duty of said board, when the work and payments therefor have been completed, as specified in section 16 of this act, forthwith to notify the mayors of the said joined villages, and thereupon said mayors shall, respectively, each appoint a citizen of the village over which he presides, which said citizens shall act as representatives of their respective villages, and form a board of trunk sewer trustees. Said trustees first appointed shall serve until the April next following their appointment, and until their successors are appointed and qualified. At the first regular meeting of council in April of each year after said first appointment, said mayors, respectively, shall each appoint a citizen of his village as member of said board of trustees, to serve for one year and until his successor is appointed and qualified.

Ownership in and maintenance of sewer.

SECTION 19. Said sewer and appurtenances, upon their completion, shall become the property of said joined villages, and said board of trustees representing said villages, shall have possession thereof, and shall take all necessary steps to keep the same in proper repair and condition, and to protect them from damage and improper use.

Terms for tapping into sewer: by whom prescribed.

SECTION 20. Said board of commissioners during its existence, and, thereafter, said board of trustees, shall have power to prescribe the terms and conditions including the price to be paid therefor, upon which other villages, hamlets, public institutions, districts, or individuals may connect with and use such sewer, and upon compliance with said terms and conditions, and payments of the price into the county treasury to the credit of the said contingent fund hereinafter provided for, shall grant the right to do so, provided that no such right shall be granted so as to interfere in any way with the efficiency of said sewer for the benefit of the villages originally constructing the sewer.

Organization and meetings of sewer trustees.

SECTION 21. Said board of trustees shall organize by electing one of their own number as chairman, and shall appoint a clerk. They shall hold regular meetings at such time and place as may be agreed upon, and special meetings under such rules and regulations as they may provide, and cause to be kept a full record of their proceedings.

Powers of sewer trustees.

SECTION 22. Said trustees shall have power to prescribe rules and regulations for the use of said sewer, and to provide for keeping the same open, cleansing it by flushing with water, and in general to keep said sewer in good and proper repair and operation, making the necessary contract therefor; but no such contracts shall be for a longer period than one year. All money expended by said trustees shall be upon an order made at a regular meeting, and upon warrant signed by their chairman and clerk, to be paid by the county treasurer out of the contigent fund, hereinafter provided for.

Levy of tax for contingent fund.

SECTION 23. To provide a contingent fund for the proper keeping in repair of such sewer and its appurtenances, said trustees shall certify to the various villages represented by them, a sufficient levy to be made upon all taxable property of such villages, not exceeding one-fourth of one-mill in any one year, and it shall be the duty of the councils of said villages, respectively, to include said levy, and such levy is hereby authorized in addition to the tax now allowed by law, at the time of making their next annual levy, and the same shall be paid into the county treasury, and be known as "the trunk sewer contingent fund of the village of —— and other villages," and be paid out as before provided on the order of said trustees.

SECTION 24. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 16, 1891.
206G

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[Senate Bill No. 532.]

## AN ACT

To grant a right of way for the construction of a railway through the Ohio state university [lands] in the city of Columbus, Ohio.

Sandusky and Columbus, Lake Erie and Southern R'y Co. granted right of way through Ohio state university lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a right of way seventy feet wide along the easterly side of the Olentangy river through the Ohio state university lands in the city of Columbus, Ohio, upon which to construct, operate and forever maintain a railway, be and hereby is granted to the Sandusky and Columbus, Lake Erie and Southern Short Line railway company, a duly incorporated railway company under the laws of Ohio, and to its successors and assigns, the said right of way hereby granted, to be determined by the board of trustees of the said uni-

versity, and the said trustees are authorized to fix the compensation for said right of way, as in their judgment is adequate and just. Provided, however, this grant is upon the express condition that said company in constructing its road shall grade the same to such an elevation through said grounds as to prevent the waters of said river from overflowing the said lands of said university and shall at no time make any excavations on the easterly side of said road-bed, also shall as soon as said road is in operation lay a side-track or switch on said right of way and adjacent grounds of university to such extent and at such place as the board of trustees of said university may designate for the use of such university in receiving and shipping freight, and also shall as soon as such road is in operation, construct a passenger station on said right of way at such point as said board of trustees may designate and there receive and discharge passengers the same as at any other regular passenger station. Said grant is also on the further express condition that said company, its successors and assigns shall forever keep and maintain said grade of said road-bed in the manner and at the elevation aforesaid, and shall forever keep and maintain said side-track and station and receive and discharge passengers and stop trains, all as aforesaid and this grant is made in consideration of the performance of the above conditions. Provided, also said university shall have a right of way over such said road right of way, at such place as the trustees of said university may select within said university grounds.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 16, 1891.
207G

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[Senate Bill No. 577.]

## AN ACT

To limit the levy of taxes by county commissioners in counties containing cities of the first grade of the second class, and providing that such commissioners shall apportion such levy to the separate funds, and to enact supplemental [to] section 2823*a*, Revised Statutes.

Levying taxes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2823*a* of the Revised Statutes be supplemented [enacted] with sectional numbering as follows:

Limit of levy in certain counties (Franklin).

Sec. 2823*a*. The commissioners of counties containing cities of the first grade of the second class shall, at their June session, annually, levy such amount as shall be necessary to provide for the ordinary or general expenses of the county, the building and repairs of bridges and culverts, the maintenance of the poor, the repairs of the county buildings, the children's home, and all other purposes which are paid out of the county treasury by order of the commissioners, the

courts or the auditor, designating at the time of making said levy the amount of each separate fund; provided, that not exceeding three mills on the dollar of the valuation of taxable property within said county shall be levied in any one year; provided further, that no levy specially authorized by the general assembly shall be included within the limit herein fixed.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
208G

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[ Senate Bill No. 649. ]

AN ACT

To amend section one of an act passed March 25, 1891, entitled "An act to authorize certain villages to construct public improvements and for other purposes, and to issue bonds therefor."

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act passed March 25, 1891, be amended so as to read as follows:

Certain villages (Tippecanoe City) authorized to issue bonds for public improvements.

Sec. 1. That the village council of any municipal corporation which by the federal census of 1890, had, and those which by any subsequent census may have a population of not less than one thousand four hundred and sixty-three, and not more than one thousand four hundred and sixty-seven, is hereby authorized to contract for and construct within the corporate limits of said municipal corporation public improvements, and purchase real estate therefor, and for that and other purposes, to issue bonds to the amount of twenty-five thousand dollars, in such denominations and payable at such times as such council shall, by resolution, determine. Such bonds shall be signed by the mayor, countersigned by the clerk, and attested by the corporation seal of such corporation, and shall bear interest not to exceed the rate of six per cent. per annum, payable semi-annually from the date thereof.

Repeals.

SECTION 2. That section one of said act be and the same is repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
209G

[Senate Bill No. 667.]

AN ACT

To provide for an extension of time in which annual boards of equalization in certain cities shall complete their work.

Sessions annual board of equalization in certain cities (Portsmouth).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city of the third grade and second class having, at the federal census of 1880, a population of not more than eleven thousand three hundred and twenty-four, and not less than eleven thousand three hundred and twenty, or which at any subsequent federal census may have such population, the annual board of equalization shall close its sessions on or before the second Monday of July in each year.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
210G

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[House Bill No. 993.]

AN ACT

To prevent railroad companies from employing inexperienced conductors.

Requirements as to qualifications of railroad conductors and locomotive engineers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any railroad company or corporation, running or operating a steam railroad in the state of Ohio, thirty miles in length or more, and the same having, been run and operated for three years or more, to employ any person in the capacity of conductor of passenger train or trains, unless such person has had at least two years' experience in the position of conductor, engineer or trainman of either passenger, freight, or construction train, within six years next preceding the time of such employment. It shall also be unlawful for any such railroad company or corporation, to employ any person in the capacity of freight conductor, or conductor of a construction train, unless such person has had at least two years' previous experience as conductor, engineer or trainman, for a term of two years, or has been employed as a brakeman for at least two years on either passenger, freight or construction trains within five years next preceding the time of such employment. It shall be unlawful for any such railroad company to employ any person in the capacity of locomotive engineer unless such person has had at least three years' experience as locomotive fireman. But nothing in this act shall be so construed as to prevent any such railroad company or corporation from retaining conductors, engineer or trainman, in its employ at the time of its passage.

Penalties.

SECTION 2. Any railroad company or corporation knowingly violating the provisions of this act, shall be fined, for

the first offense, not less than five hundred nor more than one thousand dollars, and for any subsequent offense shall be fined not less than one thousand nor more than fifteen hundred dollars, which shall be recovered in a civil action in the name of the state.

Duty of railroad commissioner.

SECTION 3. It is hereby made the duty of the railroad commissioner of this state to enforce the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
211G

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[House Bill No. 1053.]

AN ACT

To amend sections 1432 and 1433 of the Revised Statutes, and to enact supplementary section 1432*a*, with sectional numberings as follows:

Officers of original townships:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1432 and 1433 of the Revised Statutes be amended so as to read as follows, and that supplementary section 1432*a* be enacted with sectional numberings as follows:

Enforcing payment by sale, etc.

Sec. 1432. If the purchaser or lessee of any tract of section sixteen, or lands granted in lieu thereof for the support of common schools, fail to make any payment on any tract of such land for the space of twelve months after the time the same becomes due and payable, the auditor of the county wherein the land is situate shall forthwith proceed to sell such tract, with all the improvements thereon, at the door of the court-house, to the highest and best bidder therefor, in cash, having first given notice of the time and place of such sale, containing a description of the land, and the money due and to become due thereon, by publishing the same in some newspaper of general circulation in such county for six consecutive weeks before the day of sale; on such sale no bid shall be entertained for a sum which will not be sufficient to pay all the purchase money due to the state, and all expenses incident to the sale; and in case the premises can not be sold for that amount, they shall revert to the state in trust for the township to which the lands belong, and to be sold in the manner provided for the sale of such lands not under permanent leases, or leases for ninety-nine years, and in any such case, whether arising before or after the passage of this act, the auditor, in addition to any other remedy provided by law for enforcing payment for any such tract of land, may institute suit by civil action in the court of common pleas of the county in which the land is situate,

in his own name for the use of the proper township, against the purchaser or lessee and all other parties who have or claim an interest in the land, or are in any manner affected by said suit, and shall prosecute the action to final judgment, and he may have an order for the sale of, and have said premises sold, with all improvements thereon as upon execution at law, for the satisfaction of such judgment, and the sheriff's deed executed in accordance therewith shall convey to the grantee therein the legal title to said land, and all rights of the state and of said original township as well as all parties to said suit therein. The auditor may have execution for any balance remaining unsatisfied after such sale, but such balance shall be recovered equally from all the lessees, their heirs or assigns, and no person shall be liable for more than his pro rata share thereof. The proceeds of said sale, after payment of all costs and expenses of said action shall be forthwith paid by the sheriff to the treasurer of the county, and said sheriff shall at the same time certify to the county auditor the fact of such sale and to whom, together with a description of the land so sold, the amount for which the same was sold and a statement of the distribution of the same, and the auditor shall report the same to the auditor of state at the time, and in the manner provided in section 1431.

**Petition and suit of auditor.**

Sec. 1432*a*. When the auditor shall institute an action as provided in the preceding section, it shall be sufficient for him to allege in his petition the sale of said land, together with a proper description thereof, and that there remains due and unpaid the amount claimed, with interest, without being required to set forth in his petition any of the special matter or proceedings had in connection with the sale of said land, and the record of the proceedings kept by said auditor, as required by law, shall be proof of the facts of said sale and of the validity thereof, and his record of the amount claimed to be due shall be prima facie evidence of the correctness of the same, and the judgment debtor or any one else shall not be entitled to the benefit of the laws for stay of execution or exemption of homestead in the enforcement of any judgment recovered.

**Final certificate on sale, and payment for lands sold as delinquent.**

Sec. 1433. When said lands sell as aforesaid, except when sold under proceedings in civil action, the purchaser shall pay to the treasurer of the county the amount so bid for said premises; and on producing to the auditor the treasurer's receipt for such payment, the auditor shall give him a final certificate, stating the fact of such sale, the name of the purchaser, the description of the lands sold, the amount for which sold, the payment of the same, and that the purchaser is entitled to receive from the state a deed in fee simple for the same, on producing to the proper officer this certificate.

**Repeals.**

SECTION 2. That said original sections 1432 and 1433 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
212G

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[House Bill No. 1603.]

AN ACT

To permit school boards of one district to contract with that of another for admission of pupils, in certain townships.

School boards in certain townships (Goshen, Champaign county) may contract with each other for admission of pupils to schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in townships which at the federal census of 1890 had, or at any subsequent federal census shall have a population of not less than 2,440 nor more than 2,450, any board of school directors may contract with any other board of school directors in the same township for the admission of pupils into any school in such other district on such terms as may be agreed upon by such boards; and the expense so incurred shall be paid out of the school funds of the district sending such pupils upon presentation of a certificate of qualification from the authorities of the school to which said pupils desire to be admitted.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
213G

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[House Bill No. 1654.]

AN ACT

To provide for the repair and taking care of streets in cities of the first grade of the second class and for other purposes.

Care of streets in certain cities (Columbus).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works in any city of the first grade of the second class, shall have authority to provide in the manner hereinafter stated for the repairing, sprinkling, sweeping and otherwise cleaning of, and planting and taking care of shade trees, in any of the avenues, streets and alleys, or any part thereof, which have been improved under any city ordinance and any one or more of said objects may be embraced in a resolution or ordinance for such purpose. That the board of public works in the cities above named, may, by resolution, appoint two electors of such city, who shall be owners of prop-

Street commissioners.

erty abutting upon the street, avenue or alley to be repaired, sprinkled, and cleaned, or upon which shade trees are to be planted, to serve without compensation, who together with the city civil engineer shall constitute a board of commissioners with full power and authority to repair, clean and sprinkle and plant and take care of shade trees in, any such street, avenue or alley or any part thereof, upon the conditions hereinafter provided, the cost and expense of which including intersections, shall be a lien upon the abutting property and be estimated and assessed and collected as hereinafter provided.

Terms of commissioners, etc.

SECTION 2. Said commissioners shall be appointed for the term of three years, and any vacancy arising either from failure or refusal to act, or from any cause whatever, may be filled by appointment by the board of public works of a person qualified as provided in section one of this act. The board of commissioners in any city, appointed as above stated, shall, before making any contract for repairing, cleaning, or sprinkling of, or planting of shade trees in any such avenue, street or alley, first make and file with the board of public works in said city, a written statement of what in its opinion is necessary to be done upon said street, avenue or alley, within the period of one year from the date of the filing of said statement, which statement shall be accompanied by written proposals from at least three persons to do and perform the work and labor and furnish the material as set forth in said statement and upon the filing of said statement and proposals received as hereinbefore stated, the board of public works in said city may by resolution, authorize said commissioners to accept the lowest and best bid for said work, labor and material, or may require that all bids so received and filed be rejected and further bids be received and presented to the said board, and in case of the acceptance of any one of said bids said board of public works, shall by resolution, authorize said board of commissioners to enter into a written contract for the work and labor as stated in said bid, in the name of the city which said contract shall immediately be presented to said board of public works for its ratification and acceptance, and when so ratified and accepted shall be binding upon said city and not until then. Said contract when so accepted by said board of public works shall be filed with the clerk of said board. Upon the acceptance of said contract as hereinbefore provided said board of public works shall recommend to the city council of said city an ordinance charging the cost and expense of the work and labor and furnishing of material as provided in said contract upon the lots and lands abutting upon such street, avenue or alley, between the points named in said contract to be estimated by the foot front of said property so to be charged and assessed, which ordinance when so passed by said council shall charge said amount therein named upon said lots or lands as above stated. Said ordinance shall provide especially how and when such assessment shall be paid and may be in one or more installments.

Estimates and bids.

Letting of contract.

Assessment of costs.

Assessment notices.

SECTION 3. Upon the passage of the ordinance above referred to, the property-owners upon the street, avenue or alley to be assessed, shall each be notified by the clerk of the

board of public works of the amount of the assessment which he or she will be required to pay. The time of payment and to whom payable, which notice shall be served by personal service upon resident property-owners and upon non-resident property-owners by ten days' publication in a newspaper in the city with which the city has contracted for the legal advertising. If there be no such paper, then with some paper of general circulation in said city. The cost and expense of service of notice as above stated shall be estimated by said commissioners in their statement to be filed with said board of public works and shall be considered a part of the expense of the work and labor to be done and the material to be furnished upon said street, as herein provided and shall be paid from the same fund. Said notice given as aforesaid shall be the only notice required, and upon failure to pay the amount due as stated in said notice, or any part thereof, the same shall be certified to the county auditor, and by him placed upon the duplicate and collected as other taxes. The amount thus assessed shall be paid to the city auditor, and when so paid to said auditor, or when collected upon the tax duplicate as above provided shall be placed to the credit of a separate fund for the exclusive use for which it was assessed, and shall be paid out upon the order of a majority of the commissioners upon the street, avenue or alley, which said order shall be given to the contractor for said work, labor or material and by said contractor presented to the board of public works and by said board approved and ratified before the same shall be presented to the auditor for payment. Provided however that the board of public works before certifying any unpaid assessments to the county auditor as hereinbefore provided shall have the right to appoint the contractor for said work, labor and material to act as the agent of the city for the purpose of further attempting to collect any of said unpaid assessments which said contractor shall be required to make such collection without additional compensation and shall make weekly reports to the city auditor of the amount so collected. Upon failure of said contractor so appointed to collect said assessments or any portion thereof nothing herein contained shall in any way interfere with the placing of the then unpaid assessments upon the tax duplicate as hereinbefore provided.

Collection of assessments, etc.

SECTION 4. In any city of the grade or class hereinbefore named not having a board of public works, the powers and duties hereinbefore enumerated and delegated to the board of public works shall be and are hereby conferred upon any board possessing the powers, rights and privileges of a board of public works in cities of the grade and class hereinbefore named, and if there be no board, possessing such powers, then upon the city council of such cities.

Powers and duties under this act: by whom possessed.

SECTION 5. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.

214G

[House Bill No. 1087.]

AN ACT

To amend an act entitled "An act to authorize the village council of any village which had at the federal census of 1880, or which at any subsequent federal census may have a population of not less than three thousand three hundred and nine nor greater than three thousand three hundred and twenty, to borrow money and issue bonds for the purpose of making certain improvements," passed March 4th, 1891.

Certain villages (Kent) authorized to issue bonds for improvement purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village which at the federal census of 1880, had, or which at any subsequent federal census may have a population not less than three thousand three hundred and nine nor greater than three thousand three hundred and twenty, be and said council is hereby authorized to issue bonds in any sum not exceeding one hundred thousand dollars, in denominations not exceeding one thousand dollars each, bearing interest not to exceed six per cent. per annum, payable semi-annually, to be designated as improvement bonds, and to be payable in not less than ten nor more than thirty years from their date as said village council may determine.

Question to be submitted to vote.

SECTION 2. Said bonds shall not be issued by said council until the question shall have first been submitted to a vote of the qualified electors of said village at a general or special election, of which not less than ten days' notice shall be given by publication in some newspaper of general circulation in said village, and at said election all those desiring to vote in favor of issuing said bonds shall have written or printed on their ballots the words "Issue of improvement bonds—Yes;" and all voters desiring to vote against said issue of bonds shall have written or printed on their ballots the words "Issue of improvement bonds—No;" and if two-thirds of said votes cast at such election be in favor of the issue of such bonds, then said council may proceed as authorized by this act, and not otherwise.

Sale of bonds and disposition of proceeds.

SECTION 3. Provided the authority to issue said bonds is ratified by the electors of said village, as provided for in section 2 of this act, said bonds shall be sold for not less than their par value, and the proceeds thereof shall be placed in the village treasury, to be expended in extending the limits of said incorporated village, opening, widening and extending the streets and alleys thereof, as well as repairing and improving the same, and for the purchase and improvement of real estate for park and other purposes for the use of said village.

How money paid out.

SECTION 4. The proceeds of the sale of said bonds shall be paid out upon the appropriation and order of the village council for the purposes aforesaid, subject, however to the approval and control of the village improvement board hereinafter provided for.

Village improvement board.

SECTION 5. The court of common pleas of the county in which such incorporated village is situated, at its next ensuing term shall appoint six electors of said village, not more than three of whom shall belong to any one political party, to be

styled a "village improvement board," and all the appropriations made by the village council under this act shall be submitted to and passed upon and approved by a majority of said board, and it shall be unlawful to appropriate or pay out any of said money for any purpose until such approval is filed in writing in the office of the clerk of said village.

Members of board to serve without pay; removals, etc.

SECTION 6. The members of said board of improvements shall serve without pay, and until the funds arising from the sale of said bonds shall have been expended, but may be removed for cause by said court, and any vacancy occurring in said board by resignation or removal, or from any other cause, shall be filled by appointment by said court of common pleas at the next ensuing term thereof, and in such manner as that not more than three members thereof shall be of the same political party.

Council may sell or lease real estate.

SECTION 7. The village council of said village is hereby authorized to sell at public or private sale for such price and on such terms as they may see fit, and duly convey to purchasers so much of the present or hereafter acquired real estate belonging to said village for park or other purposes as they may, by ordinance determine to sell, and may lease for such time and upon such terms as said council shall, by ordinance, determine, so much of said real estate as they may see fit; provided, however that each sale or lease shall be subject to the approval of the said village improvement board in the manner hereinbefore provided, and no such sale or lease shall be valid without such approval.

Levy of tax.

SECTION 8. Said village council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds when the same become due, said taxes to be levied and collected in the same manner as taxes for other purposes are levied and collected.

Repeals.

SECTION 9. Said original act of March 4th, 1891, be and the same is hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
215G

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[House Bill No. 1704.]

AN ACT

To provide for the payment of the expenses incurred under house joint resolutions numbered 81, and 82, providing respectively for the decoration of the rotunda and exterior of the state capitol, in respect for the memory of General William T. Sherman.

Preamble.

WHEREAS, The general assembly of the state of Ohio has heretofore provided by joint resolutions numbered 81 and 82

providing respectively for the decoration of the rotunda and exterior of the state capitol in respect for the memory of General William T. Sherman, and

WHEREAS, In accordance with said resolutions, expenses were incurred in said matters to the amount of seven hundred and forty-three dollars and sixty-one cents, which amount is owing to the George D. Freeman Mantel company of Columbus, Ohio, for materials furnished and services rendered in the matters aforesaid therefore.

Appropriation for George D. Freeman Mantel company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and there is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, to be paid to the George D. Freeman Mantel company of Columbus, Ohio, upon the warrant of the auditor of state, upon vouchers approved by the adjutant-general. The said sum of seven hundred and forty-three dollars and sixty-one cents, in full payment of the claim aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 16, 1891.
216G

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[House Bill No. 393.]

AN ACT

To supplement section 930 of the Revised Statutes of Ohio.

Children's homes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine hundred and thirty (930) of the Revised Statutes be supplemented by a supplementary section, as follows:

Advisory board to be appointed by county commissioners.

Sec. 930*a*. And the commissioners shall also appoint an advisory board, which shall consist of three women, not more than two of whom shall be of the same political faith or party, and one of whom at least, shall be a member of a humane society organized under chapter 13, title 2, of the Revised Statutes, if such there be in said county, and all of whom shall be citizens of such county and freeholders therein,

Terms.

and whose terms of service shall be as follows: One for one, one for two, and one for three years, from the first Monday in March thereafter, and until their successors are appointed and qualified; and annually after said board is so constituted, the commissioners shall, on the first Monday in March appoint one member of said board, who shall hold her position for three years, and until her successor is ap-

Vacancy, etc.

pointed and qualified. Any vacancy in said board, occasioned by resignation or otherwise, shall be filled for the unexpired term by said commissioners, within sixty days thereafter. The members of said board shall receive no compensa-

tion for their services, and shall, before entering upon their duties, be sworn to faithfully and impartially perform the duties of such position, and shall elect from their number a president and secretary. It shall be the duty of said board to visit such children's home at least once in every three months, and oftener, if they deem it desirable or necessary, and it shall be their duty to thoroughly inspect and inquire into every department of said home, and the administration thereof; and it shall be the duty of the trustees, superintendent, matron, teachers, and all other employes of said children's home, to give to said advisory board, or any member thereof, all information concerning said home and its administration or management, and every facility for examination and investigation that said advisory board, or any member thereof may desire or require; and said board shall advise with the board of trustees of said home concerning the interests thereof, and its management, and make such recommendations in writing to said trustees as they may deem advisable or necessary; and they shall also, if they deem it desirable or necessary, make written reports and recommendations concerning such children's home and its management, to the commissioners. Provided that the provisions of this section shall not apply to children's homes in counties containing cities of the second class of the second grade and cities of second class of the third grade.

Duties of board, etc.

Certain counties excepted.

SECTION 2. That this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
217G

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[House Bill No. 1131.]

## AN ACT

To amend sections 2 and 4 of an act entitled "An act to provide for the improvement of streets and alleys in cities of the first grade of the second class," passed May 11, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2 and 4 of an act entitled "An act to provide for the improvement of streets and alleys in cities of the first grade of the second class," passed May 11, 1886, be so amended as to read as follows:

Streets:

Sec. 2. In order to provide for the payment of the costs and expenses of said improvements to be assessed on the abutting property, the council may, from time to time, as such improvement progresses, issue the bonds of such cities in such sums as will be required, in all to an amount not exceeding the contract price of the work and the other expenses attending the same, and interest as hereinafter provided for; said bonds shall be issued as other bonds of such cities are issued, but they shall bear the name of the street, or avenue, or alley to whose improvement they are issued, and shall

Council may issue bonds for cost of improvement.

and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
219G

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[House Bill No. 1249.]

AN ACT

Relating to German advertising in cities of the first grade of the second class.

Ordinances, etc., to be published in German newspaper in certain cities (Columbus).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where, in cities of the first grade of the second class there is printed and published a newspaper or newspapers in the German language, of general circulation therein, the board of public works of such cities shall in addition to advertising in two newspapers of opposite politics as already provided, publish any ordinance, resolution or notice required by law to be published, in at least one newspaper printed in the German language, and may make yearly contracts with any such newspapers for such municipal advertising.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
220G

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[House Bill No. 1326.]

AN ACT

To authorize cities of the fourth grade, second class, to construct sidewalks and to supplement section 2330 of the Revised Statutes, as amended March 27th, 1884.

Assessments—side-walks, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 2330 of the Revised Statutes, and bear the sectional number 2330*a*:

Councils cities second class, fourth grade, may construct sidewalks, etc.

Sec. 2330*a*. In cities of the fourth grade, second class, whenever sidewalks, curbing or gutter are to be constructed pursuant to a resolution of council, under section 2329 of the Revised Statutes, the council may construct such walk or part or parts of walk, curbing or gutter, and assess the cost and expense of constructing such sidewalk, curbing or gutter, or part or parts thereof, upon the abutting property, which, however, shall be exempted from the penalty provided in sec-

tion 2330 of the Revised Statutes; and to carry out such purpose the council is hereby authorized to issue the bonds of such city, in denominations not to exceed one thousand dollars each, to be payable in not less than one or more than ten years' issue, and shall bear interest at a rate not to exceed six per cent. per annum, interest payable semi-annually, which bonds shall be sold for not less than their par value, and the proceeds arising from such sales to be applied to the cost of such improvements and the cost of issuing such bonds and the payment of interest thereon, and to no other purpose; provided, that the council may use the bonds at their par value in payment of contractors without advertising for their sale. The assessments upon the abutting property shall be in such amounts as will be sufficient to provide for the payment of such bonds, and the interest due thereon as the same mature, and such assessments shall be certified by the clerk of such city to the auditor of the county in which such city is situated, and placed upon the duplicate, and shall be a lien upon the property so assessed. Whenever the council shall determine to improve the sidewalks, curbing or gutter, of any street, streets or portion of streets, in accordance herewith, they shall advertise for bids in some paper published in the city where such work is to be done, and all such bids shall designate the material and kind and quality of material proposed to be used, and all bids must be on file with the clerk of said city for ten days before the contract shall be awarded, and any property-owner may elect whether he or she desires to pay cash for the same, or have it placed on the tax duplicate as herein provided. If any person electing to pay cash shall fail to do so within 30 days after the completion of the work, it shall be the duty of the clerk to certify the amount to the auditor as herein provided. The council may reject any and all bids.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
221G

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[House Bill No 1736.]

## AN ACT

**To grant the consent of the state of Ohio, to the purchase by the United States government of certain premises in Akron, Summit county, and in Youngstown, in Mahoning county, Ohio, for the purpose of erecting public buildings thereon, for a custom-house, post-office, and other government purpose, and ceding the jurisdiction over the same to the government of the United States.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the consent of the state of Ohio is hereby given to the United States government to the purchase of certain

Consenting to purchase by United States of sites for

and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
219G

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[House Bill No. 1249.]

AN ACT

Relating to German advertising in cities of the first grade of the second class.

Ordinances, etc., to be published in German newspaper in certain cities (Columbus).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where, in cities of the first grade of the second class there is printed and published a newspaper or newspapers in the German language, of general circulation therein, the board of public works of such cities shall in addition to advertising in two newspapers of opposite politics as already provided, publish any ordinance, resolution or notice required by law to be published, in at least one newspaper printed in the German language, and may make yearly contracts with any such newspapers for such municipal advertising.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
220G

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[House Bill No. 1326.]

AN ACT

To authorize cities of the fourth grade, second class, to construct sidewalks and to supplement section 2330 of the Revised Statutes, as amended March 27th, 1884.

Assessments—side-walks, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2330 of the Revised Statutes, and bear the sectional number 2330*a*:

Councils cities second class, fourth grade, may construct sidewalks, etc.

Sec. 2330*a*. In cities of the fourth grade, second class, whenever sidewalks, curbing or gutter are to be constructed pursuant to a resolution of council, under section 2329 of the Revised Statutes, the council may construct such walk or part or parts of walk, curbing or gutter, and assess the cost and expense of constructing such sidewalk, curbing or gutter, or part or parts thereof, upon the abutting property, which, however, shall be exempted from the penalty provided in sec-

tion 2330 of the Revised Statutes; and to carry out such purpose the council is hereby authorized to issue the bonds of such city, in denominations not to exceed one thousand dollars each, to be payable in not less than one or more than ten years' issue, and shall bear interest at a rate not to exceed six per cent. per annum, interest payable semi-annually, which bonds shall be sold for not less than their par value, and the proceeds arising from such sales to be applied to the cost of such improvements and the cost of issuing such bonds and the payment of interest thereon, and to no other purpose; provided, that the council may use the bonds at their par value in payment of contractors without advertising for their sale. The assessments upon the abutting property shall be in such amounts as will be sufficient to provide for the payment of such bonds, and the interest due thereon as the same mature, and such assessments shall be certified by the clerk of such city to the auditor of the county in which such city is situated, and placed upon the duplicate, and shall be a lien upon the property so assessed. Whenever the council shall determine to improve the sidewalks, curbing or gutter, of any street, streets or portion of streets, in accordance herewith, they shall advertise for bids in some paper published in the city where such work is to be done, and all such bids shall designate the material and kind and quality of material proposed to be used, and all bids must be on file with the clerk of said city for ten days before the contract shall be awarded, and any property-owner may elect whether he or she desires to pay cash for the same, or have it placed on the tax duplicate as herein provided. If any person electing to pay cash shall fail to do so within 30 days after the completion of the work, it shall be the duty of the clerk to certify the amount to the auditor as herein provided. The council may reject any and all bids.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
221G

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[House Bill No 1736.]

## AN ACT

To grant the consent of the state of Ohio, to the purchase by the United States government of certain premises in Akron, Summit county, and in Youngstown, in Mahoning county, Ohio, for the purpose of erecting public buildings thereon, for a custom-house, post-office, and other government purpose, and ceding the jurisdiction over the same to the government of the United States.

Consenting to purchase by United States of sites for

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the consent of the state of Ohio is hereby given to the United States government to the purchase of certain

buildings in Akron and Youngstown.

lands and premises situated in the city of Akron, Summit county, Ohio, and in the city of Youngstown in the county of Mahoning, Ohio. The same to be such lands in either of said cities as may be hereafter selected by the proper officers of the United States government for the purpose of erecting thereon public buildings for custom-houses, post-offices, and other government purposes, and the said government of the United States shall have, hold, use and occupy, and own said lands when so selected and purchased, and shall exercise jurisdiction and control over the same and every part thereof, subject, however, to the restrictions hereinafter mentioned.

Jurisdiction ceded.

SECTION 2. The jurisdiction of the state of Ohio, in and over the said lands and premises mentioned in the foregoing section when purchased by the United States government, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the said lands.

State to have concurrent jurisdiction in service of process, etc.

SECTION 3. The said consent is given, and the said jurisdiction ceded, upon the express condition that the state of Ohio shall retain concurrent jurisdiction with the United States in and over the said lands and premises, so far that all civil, criminal and other process may issue, and be served in and upon said lands under the laws or authority of the state of Ohio, against any person or persons charged with crimes or misdemeanors committed within this state, in the same way and manner as if such consent or grant had not been given or made, except so far as such process may affect the real and personal property of the United States; and also upon the further condition that all persons now residing or who may hereafter reside upon such lands so acquired, shall, subject to the general laws of this state, be deemed and held to be citizens of the state of Ohio, entitled to all the privileges and subject to all the liabilities and duties of citizens of this state; and the taking possession of said land or lands, by the United States government, shall be taken as an acceptance on the part of the United States of all the stipulations and conditions of this act.

When jurisdiction shall vest.

SECTION 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands and premises by purchase or grant, or by lawful appropriation under the right of eminent domain; and so long as said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and remain exonerated from all taxes, assessments and other charges, which may be levied or imposed under the authority of this state.

County commissioners authorized to convey land.

SECTION 5. *Be it further enacted*, That the board of county commissioners of said respective counties, be and they are hereby empowered to convey to the United States in fee simple by deed duly executed, any lands and premises situate and being within the municipal corporation of either the said city of Akron or Youngstown, for the uses and purposes expressed in this act.

Penalty for injury to buildin;

SECTION 6. *Be it further enacted*, That any malicious, willful, reckless or voluntary injury to, or mutilation of the

grounds, buildings or appurtanences, shall subject the offender to a fine of not less than twenty dollars, to which may be added for an aggravated offense, imprisonment, not exceeding six months in the county jail or work-house, to be prosecuted before any court of competent jurisdiction.

SECTION 7. This act shall take effect upon its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
222G

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[House Bill No. 1737.]

AN ACT

To further supplement section four (4) of an act entitled "An act for the establishment and maintenance of public libraries in certain cities of the first class," as amended April 12th, 1888 (vol. 85, O. L., page 209 to 212), and sections one and four of which were supplemented March 12, 1889 (vol. 86, O. L., page 79); and said section four (4) further supplemented March 6, 1891.

Public libraries:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four (4) of the above entitled act be further supplemented by an additional section as follows:

Appropriation of private property for library purposes in certain cities (Toledo).

Sec. 4*c*. That when it is deemed necessary by any such city of the third grade of the first class to appropriate private property as heretofore provided in said supplementary section 4*b*, any such city shall proceed in making such appropriation under and in accordance with the provisions of section 2235 and the subsequent sections thereto as found in chapter 3, division 7, title 12 of the Revised Statutes of this state, in so far as the same are applicable.

SECTION 2. That this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
223G

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[Senate Bill No. 583.]

AN ACT

To supplement section 889 Revised Statutes of Ohio.

County commissioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 889 of the Revised Statutes be and the same is hereby supplemented so as to read as follows, viz:

Marking of sections in certain counties (Hamilton).

Sec. 889*a*. When the county surveyor in any county containing a city of the first grade of the first class considers that the public good requires it, he shall ascertain the corners

of each and every section in each township, or of each military survey, in the county, by actual evidence and survey, in the manner now provided by law for the establishment of corners where interested persons apply therefor; and he shall place, or cause to be placed, at each of such corners, perpendicularly in the ground, a stone post not less than six inches square on the top and not less than three feet in length; and for each corner he shall also place, or cause to be placed, in like manner, two witness stones of like dimensions. He shall make and preserve a completé record of testimony taken by him, and of all his proceedings in said matter, accurately setting forth the courses, distances and positions of corner and witness stones. The board of county commissioners shall, however, have full and final authority to fix the cost of said stones and all expenses and fees in said matter and to order payment thereof, accordingly, out of the county treasury as said work progresses, and said costs, expenses and fees shall conform as nearly as possible to payment now authorized by law for similar services; but the county surveyor shall apportion said cost, expenses, and fees to each township, and report the same to the board of county commissioners at least once each year until the completion of said work. And said board shall thereupon notify the trustees of townships and trustees and councils of municipal corporations of the amount so apportioned to each township or corporation; and said trustees or council shall, thereupon, out of the funds under their control, pay into the treasury of the county, the sum thus apportioned to such township or corporation, and should there not be sufficient funds on hand available for such purpose the said trustees or council shall levy such tax, at the next annual levy of taxes, upon the taxable property of such township or corporation, as may be necessary to pay the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
224G

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[Senate Bill No. 289.]

AN ACT

To provide for the re-issue of lost or destroyed certificates of stock in corporations.

Corporations: application for re-issue of lost or destroyed certificates of stock in.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in case any certificate of stock in any corporation be lost or destroyed, the owner thereof may file his petition in the probate court of the county where the principal business office of such corporation is located in this state, setting forth a pertinent description of such certificate, and a full statement of the facts relating to such destruction or loss,

including the fact that he is the owner of such certificate, and was at the time of its loss or destruction, and had not assigned, transferred or disposed of the same, and that the same was not pledged to any one, or if so, stating to whom, and the facts relating thereto, and such petitioner shall make the corporation and any pledgee defendants to such proceeding, and shall serve a certified copy of such petition on some chief officer of such corporation, and on any such pledgee, on which copies the probate judge shall state over his signature when said petition will be heard, and said copies shall be so served not less than twenty days before the hearing, and such petitioner shall also publish, for three consecutive weeks, in some newspaper published and of general circulation in the county where the proceeding is pending, and in the county where the petitioner resides the notice containing the substance and prayer of such petition immediately before the day of hearing, and stating when and where the same will be heard.

How re-issue effected.

SECTION 2. If the probate court, upon the hearing, find that the foregoing provisions have been complied with, and that such described certificate has been lost or destroyed, and that such petitioner at that time was and is the owner thereof, an order shall be made that such corporation issue and deliver a new certificate of stock to such petitioner for the original amount and kind of stock, and in case, at the time of such loss or destruction of such original certificate, the certificate was pledged to any one, and the pledgee yet has a claim against the same, then such order shall direct that such new certificate shall be delivered to such pledgee on such terms as the court may direct, and the corporation shall comply with said orders, and shall in no wise be prejudiced by complying with said orders, or by paying dividends on such new certificate, so long as it is not made known to it that such original certificate is in existence and owned by some person other than said petitioner; and all rights and liabilities attaching to said original certificate shall attach to said re-issued certificate, while in force, but upon the production of the original certificate to such corporation by the owner or pledgee, such re-issued certificate shall be canceled and surrendered, and be void, and executors and administrators, on behalf of estates of deceased owners of any such lost or destroyed certificates of stock, shall be entitled to proceed under this act and have all the rights and benefits thereof.

SECTION 3. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
225G

[Senate Bill No. 356.]

## AN ACT

**To enlarge the duties of the canal commission, and supplementary to "An act to provide for a commission, etc.," passed and took effect March 28, 1888 (O. L., vol. 85, p. 127), and an act supplementary thereto, passed and took effect April 18, 1890 (O. L. vol. 87, p. 219).**

**Canal commission required to collect documents pertaining to title of state in land.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the canal commission be and they are hereby authorized and required to collect together all memoranda, papers, documents, reports, maps, plats and records, now in the office of the governor of the state, secretary of state, auditor of state, board of public works and canal commission in any wise appertaining to the title to any real estate that formerly belonged to the state, or is now owned or claimed by the state, either by cession from the United States for canal purposes or by purchase or appropriation by the state for said purpose under the laws of the state.

**Such documents must be recorded and preserved.**

SECTION 2. That when so collected together said papers, plats, etc., shall be carefully recorded in books to be furnished for that purpose in chronological order, as near as may be, and a full and complete index thereof made showing the references to all such real estate by counties, townships and ranges, and in such other manner as will clearly and definitely identify the same. Said original papers, plats, etc., shall be carefully preserved in suitable wrappers or file boxes properly marked, indorsed and filed away in the office of the board of public works; and land department of the auditor of state's office, and upon any trial in any of the courts of this state a certified copy of any of said papers, records, plats etc., duly certified to by the president or secretary of the board of public works or the auditor of state, which may in any manner relate to or have any bearing upon the subject matter at issue shall be taken and held to be prima facie evidence of said records, plats, papers etc.

**Clerk.**

SECTION 3. That for the purposes aforesaid said canal commission are hereby authorized and required to employ some suitable competent person at a compensation not exceeding five dollars per day for the time actually employed; but the total expense of said collecting and abstracting shall not exceed the sum of one thousand dollars. Said canal commission shall provide for said clerk all necessary desk room, stationery, etc., in the offices aforesaid to enable him to properly discharge his duties, all of said work to be done and performed under the direction and supervision of said canal commission. And said work shall be completed before the first day of January, 1892.

**Records to be made in counties where land situated.**

SECTION 4. As soon as said papers and records are so collected and gathered together, recorded, filed and indexed as aforesaid, said canal commission shall cause all that portion of said record in any manner affecting the title of said real estate to be carefully transcribed by counties in alphabetical order, and when so transcribed the same shall be duly certified to the recorders of the respective counties, who shall

thereupon proceed forthwith to record said transcribed records in a book to be provided for that purpose, for which service they shall receive the same compensation as provided by law for similar services out of the funds appropriated for the expenses of the canal commission. All requests to the board of public works for a certified copy of any records shall be accompanied by a fee, such as is allowed in other like cases, and all such fees shall be turned into the state treasury. Certified copies.

SECTION 5. This act shall take effect on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
226G

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[Senate Bill No. 596.]

AN ACT

To provide for the meeting of the decennial boards of equalization in counties containing a city of the second grade of the first class, as boards of revision.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in counties containing a city of the second grade of the first class the county auditor may, should he deem it necessary to do so, call together the decennial county and city boards of equalization, heretofore appointed under the provisions of the Revised Statutes of Ohio, to meet on the first Monday of December, 1891, and organize as boards of revision, respectively. Boards of revision in certain counties (Cuyahoga).

SECTION 2. The session of said county board[s] of revision shall not be held for a longer period than twenty days, and said city board for a period not longer than thirty days. Sessions.

SECTION 3. Said boards respectively shall consider only such of its previous acts as the county auditor, or any taxpayer, may present to it for revision, and in all other respects shall be governed by the laws passed for the government of the decennial boards of equalization. What boards may consider.

SECTION 4. That said boards shall have power to cite any owner of real estate before it, compel his or her attendance examine witnesses, and administer any oath necessary to the proper discharge of its duties. Powers of boards.

SECTION 5. Each member of said city board shall receive the sum of five dollars per day for each day actually employed in the performance of the duties herein provided for, and each member of said county board three dollars per day, to be paid out of the county treasury. Compensation.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate*

Passed April 23, 1891.
227G

[Senate Bill No. 602.]

AN ACT

To amend section 3656 of the Revised Statutes.

Insurance companies other than life:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3656 of the Revised Statutes of this state is hereby amended so as to read as follows:

Foreign companies, etc., must obtain license of superintendent.

Sec. 3656. No company, association, or partnership, incorporated, organized or associated under the laws of any other state of the United States, or of any foreign government, for any of the purposes mentioned in this chapter, which does a banking or any other kind of business in connection with insurance, shall, directly or indirectly, transact any business of insurance in this state; nor shall any such company, association or partnership do any such business in this state until it procures from the superintendent a certificate of authority so to do; nor shall any person or corporation act as agent in this state for any such company, association or partnership, directly or indirectly, either in procuring applications for insurance, taking risks, or in any manner transacting the business of insurance, until it procures from the superintendent a license so to do, stating that the company, association or partnership has complied with all the requirements of this chapter applicable to such company, and depositing a certified copy of such license in the office of the recorder of the county in which the office or place of business of such agent or agents is established; nor shall any company, association or partnership organized under the laws of any other state, take risks or transact business of insurance in this state, directly or indirectly, unless possessed of the amount of actual capital required by similar companies formed under the provisions of this chapter, nor unless the entire capital stock of the company is fully paid up and invested as required by the laws of the state where it was organized; but if the company is a mutual fire insurance company, it shall have actual cash assets of the same amount and description as is required of mutual fire insurance companies of this state, after organization, invested as required by the law of the state where such company was organized; and such companies must have either premium notes or contingent liability of the same amount as is required of similar fire insurance companies of this state, which contingent liability may be either in writing or be expressed in the policies issued by such company.

What foreign companies, etc., must have to do business in this state.

Repeals, etc.

SECTION 2. That said section 3656 is hereby repealed, and this act shall be in force and take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
228G

[Senate Bill No. 655.]

AN ACT

To amend section 1718*b*, supplementary to section 1718 of the Revised Statutes, passed April 1st, 1890 (vol. 87, page 138, O. L.).

Offices of cities, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1718*b*, supplementary to section 1718 of the Revised Statutes of Ohio, be amended so as to read as follows:

Assessors in certain cities (Cleveland).

Sec. 1718*b*. In every city of the second grade of the first class, not exceeding forty assessors shall be appointed by the county auditor, not more than twenty of whom shall be from the same political party, and such appointments shall be subject to confirmation by the tax commission, who shall hold their office for the period of one year, and each assessor shall receive for services a compensation of four dollars per day for each day actually employed in the performance of his duties, to be paid out of the county treasury. Every assessor so appointed shall, in addition to the general duties hereinafter prescribed, perform the same duties as are provided with respect to township assessors, and before entering upon his office shall take an oath and give bond in the sum of one thousand dollars, payable to the state, with two or more freehold sureties, approved by said tax commission, conditioned for the faithful and impartial performance of all his duties so prescribed, which bond, with his oath of office indorsed thereon, shall be filed and preserved by the county auditor in his office. No person shall be appointed or shall hold the office of assessor under the provisions of this section, who holds or is elected to any national, state, county, municipal or township office, or who is an employe of any national, state, county, municipal or township officer.

Repeals, etc.

SECTION 2. That said original section 1718*b* be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
229G

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[House Bill No. 86.]

AN ACT

To amend section 2742 of the Revised Statutes.

Listing personal property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2742 be so amended as to read as follows:

Listing of personal property by manufacturers.

Sec. 2742. Every person who shall purchase, receive or hold personal property of any description for the purpose of adding to the value thereof by any process of manufacturing,

refining, rectifying, or by the combination of different materials with a view of making a gain or profit by so doing, shall be held to be a manufacturer, and he shall, when he is required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the average value estimated, as provided herein, of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining, and, also, of all articles which were at any time by him manufactured or changed in any way, either by combination or rectifying, or refining or adding thereto which, from time to time, he shall have had on hand during the year next previous to the first day of April annually, if so long he shall have been engaged in such manufacturing business, and if not, then during the time he shall have been so engaged. The said average value shall be ascertained by taking the value of all said property subject to be listed on the average basis, owned by such manufacturers, on the last business day of each month the manufacturer was engaged in business during the year, adding such monthly values together and dividing the result by the number of months the manufacturer was engaged in such business during the year and the result shall be the average value to be listed. Every such manufacturer shall also list at their fair cash value, all engines and machinery of every description used, or designed to be used, in any process of refining or manufacturing (except such fixtures as shall have been considered a part of any parcel or parcels of real property), including all tools and implements of every kind used, or designed to be used, for the aforesaid purpose, owned or used by such manufacturer (61 v. 82, § 12).

Repeals, etc.

SECTION 2. That section 2742 of the Revised Statutes be and the same is hereby repealed; and this act shall take effect and be in force from and after June 1st, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
230G

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[House Bill No. 521.]

AN ACT

To amend section 6837 of the Revised Statutes, and to repeal the original section of that number.

Offenses against property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original section 6837 of the Revised Statutes be so amended as to read as follows:

Breaking into building in day-time to steal.

Sec. 6837. Whoever maliciously, in the day-time, breaks and enters any dwelling-house, kitchen, shop, store, warehouse, malt-house, still-house, mill, factory, pottery, water-

craft, school-house, church or meeting-house, smoke-house, barn, stable, railroad car, car factory, depot, station-house, hen-house, wagon-house, sugar-house, boat-house, grain-house or green-house, with intent to steal, shall be fined not more than three hundred dollars, or imprisoned not more than six months or both.

SECTION 2. This act shall take effect and be in force from and after its passage; and original section 6837 is hereby repealed. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
231G

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[House Bill No. 742.]

AN ACT

To authorize county commissioners in certain cases herein named, to cause head-gates in water-powers to be replaced or repaired, and to cause the expenses thereof to be listed as other taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any head-gates of any water-power, mill-race, or water-privilege, owned, operated, controlled, or leased by any person, partnership, or corporation, have become, or may become, so damaged by floods or otherwise, that the same become inoperative for the purpose for which they were intended, and such person, partnership, or corporation, fails to repair or replace the same within ten days after the request of any person owning, controlling, or occupying lands adjacent to such water-power, mill-race, or water-privilege, such person may file with the county auditor a petition setting forth the fact that said head-gates have been injured or destroyed, and have become inoperative for the purpose for which they were intended and praying that the same may be replaced; and shall also file with the auditor a good and sufficient bond, with sureties, in such sum as said auditor shall fix, but in no case to be less than one hundred dollars, payable to the state, conditioned to pay all costs and expenses incurred, provided the prayer of said petition be not granted; and thereupon the auditor shall call a meeting of the board of county commissioners at their office at a date to be fixed by him not more than one week later than the date of the filing of said bond; and the auditor shall forthwith notify by writ, issued to the sheriff and by him to be served on the person, partnership, or corporation, owning, operating, or controlling such water-power, mill-race, or water-privilege, setting forth the substance and prayer of said petition and the time and place the same is to be heard, which said writ shall be served within three days from its date. Upon the day fixed for the hearing of said petition, the county commissioners shall hear and determine the same, unless, for good cause shown, the hearing shall be adjourned, and they may, if they deem it necessary, call to Repair of head-gates of water-wags.

their assistance the county surveyor or other competent engineer, and view the premises referred to in the petition, and, if after hearing said petition, said county commissioners are of the opinion that the maintenance of such head-gates are necessary for the better protection of the lands owned, occupied, or controlled by the petitioner, they shall order and require the person, partnership, or corporation, owning, leasing, or controlling such water-power, mill-race, or water-privilege to proceed within ten days to repair or replace said head-gates, so as to make the same operative for the purpose for which they were intended. And if such person fail so to do within the time specified, then the county commissioners shall proceed to have the same done in accordance with the plans and specifications furnished by the engineer or county surveyor after advertising the letting thereof for ten days, and sell the same to the lowest bidder.

How costs paid and assessed.

SECTION 2. The costs and expenses of the proceedings under this act, including costs of the engineer, shall be paid out of the county treasury, and a statement thereof shall be immediately made by the county auditor to the person, partnership, or corporation, owning, leasing, or controlling such water-power, mill-race, or water-privilege, and if not paid within thirty (30) days thereafter, the amount thereof shall be charged as a special assessment on the tax duplicate of the county, against the real estate, owned, leased, operated, or controlled as such water-power, mill-race, or water-privilege.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
232G

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[House Bill No. 840.]

AN ACT

To amend section 1 of an act entitled "An act to provide against accidents on railroads, and limit the hours of service," passed March 19, 1890.

Hours of service of certain railway employes limited.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled an act to provide against accidents on railroads, and to limit the hours of service, be amended so as to read as follows: That any company operating a railroad over thirty miles in length, in whole or in part, within the state, shall not permit or require any conductor, engineer, fireman or brakeman on any train, or any telegraph operator, who have worked in their respective capacities for twenty-four consecutive hours, to again be required to go on duty, or perform any work, until they have had at least eight hours' rest. Ten hours shall constitute a day's work, and for every hour that any conductor, fireman, engineer,

brakeman, or any trainman, or any telegraph operator of any company, who works under directions of a superior, or at the request of the company, shall be paid for said extra services in addition to his per diem.

Repeals, etc.

SECTION 2. That said original section 1, passed March 19, 1890, be and the same is hereby repealed; and this act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
233G

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[House Bill No. 859.]

## AN ACT

To amend section 6175 of the Revised Statutes of Ohio, as amended April 11, 1884 (81 O. L., 137-8), and section 6269, as amended March 25, 1880 (77 O. L., 77-8).

Executors and administrators:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-one hundred and seventy-five of the Revised Statutes of Ohio, as amended April 11, 1884, and section sixty-two hundred and twenty-nine, as amended March 25, 1880, be amended so as to read as follows:

Executor or administrator to render accounts, etc.

Sec. 6175. Every executor or administrator shall, within eighteen months after his appointment, render his account of his administration upon oath, and he shall in like manner render such further accounts of his administration every twelve months thereafter, and also at such other times as may be required by the court, until the estate shall be wholly settled, and he may be examined upon oath on any matter relating to his accounts and the payments therein mentioned, and also touching any property or effects of the deceased, which have come to his hands. Provided, that every executor, administrator with the will annexed, or testamentary trustee who does not make a final settlement of the decedent's estate within said eighteen months, and who carries the administration of his trust from year to year thereafter, shall, whenever he renders any such account above mentioned, make on oath to said court, as a part of said account, a full, itemized statement of all the funds of the decedent's estate under his control, the date and nature of their investment, and the security thereof, and the rate of interest or income accruing thereon.

Duties of guardians of person and estate.

Sec. 6269. The following shall be the duties of every guardian of any minor who may be appointed to have the custody of such minor and take charge of the estate of such minor, to-wit:

FIRST—To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him and appoint a successor.

Duties of guardians of person and estate.

SECOND—To manage the estate for the best interest of his ward.

THIRD—To render, on oath, to the proper court, an account of the receipts and expenditures of such guardian, verified by vouchers or proof, and as a part of said account, a full, itemized statement of all the funds of his ward's estate, the date and nature of their investment and the security thereof, and the rate of interest or income accruing thereon, once in every two years, or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal such delay was necessary and reasonable; provided, that in all cases where the whole estate of said ward, or of several wards jointly, under the same appointment of guardianship, shall not exceed two hundred dollars in value, said guardian shall only be required to render such account upon the termination of said guardianship, or upon the order of said court, made upon its own motion, or the motion of some person interested in said ward or wards, or in his, her, or their property, for good cause shown, and set forth upon the journal of said court.

FOURTH—At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

FIFTH—To pay all just debts due from such ward out of the estate in his hands, and collect all debts due such ward, and, in case of doubtful debts, to compound the same, and to appear for and defend, or cause to be defended, all suits against such ward.

SIXTH—When any ward has no father, or having a father who is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify.

SEVENTH—To loan or invest the money of his ward within a reasonable time after he receives it, in notes or bonds secured by first mortgage on real estate of at least double the value of the money loaned or invested, but the buildings thereon if any shall be well insured against loss by fire and so kept by the mortgagor for the benefit of the mortgagee, until the debt is paid, and on failure so to do the mortgagee shall do the same and the expense of the insurance to the mortgagee shall be repaid by the mortgagor and be a lien on the property concurrent with the mortgage, in bonds of the United States, or of any state on which default has never been made in the payment of interest, or bonds of any county or city in this state, issued in conformity to law; or, with the consent and approbation of the probate court, in productive real estate within this state, the title to which shall be taken in the name of the guardian as such; and to manage such investments, and when deemed proper, change the same into any other investment of the above classes; but no real estate

so purchased shall be sold by the guardian, except with the consent and approbation of the probate court; and if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests; and also to settle and adjust, when necessary or desirable, the assets which he may receive, in kind, from an executor or administrator, as may be most advantageous to his wards, but before such settlement and adjustment shall be valid and binding, it shall be approved by the probate court, and such approval entered on its journal; and with the like approval, to hold the assets as received from the executor or administrator, or what may be received in the settlement and adjustment of said assets.

EIGHTH—To obey and perform all orders and judgments of the proper courts touching the guardianship. Provided, however, the filing of said statements the investment of said trust funds mentioned in this act shall not entitle the court to any fees in addition to the fees allowed by law for filing and recording accounts without said statements.

SECTION 2. That said section sixty-one hundred and seventy-five, as amended April 11, 1884, and said section sixty-two hundred and sixty-nine, as amended March 25, 1880, be and the same are hereby repealed. Repeals.

SECTION 3. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
234G

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[House Bill No. 966.]

## AN ACT

To amend section 2963 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2963 be so amended as to read as follows: Conduct of elections:

[Sec. 2963.] Judges and clerks of election shall each receive two dollars per election for their services at every election to be paid by the county except in the case of township or municipal elections only, when such compensation shall be paid by the township or municipality holding such election. Fees of judges and clerks.

SECTION 2. This act shall take effect and be in force from and after its passage, and original section 2963 is hereby repealed. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
235G

[House Bill No. 968.]

AN ACT

To amend section 6074 of the Revised Statutes of Ohio, as amended April 25, 1890 (vol. 87, O. L., p. 298).

Executors and administrators:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6074 of the Revised Statutes of Ohio, as amended April 25, 1890, be so amended as to read as follows:

What personal property the executor or administrator may sell, and when.

Sec. 6074. The executor or administrator shall, within three months after the date of his bond, sell the whole of the personal property belonging to the estate, which is liable to the payment of debts and is assets in his hands to be administered, except promissory notes, and claims, demands, and rights in action which can be collected by him, and except bonds and stocks when the sale of them is not necessary for the payment of debts; and also except the following:

FIRST—Such as the widow may desire to take at the valuation made by the appraisers, she securing payment to the executor or administrator therefor as other purchasers.

SECOND—Such property as is specifically bequeathed shall not be sold until the residue of the personal estate has been sold, and is found by the executor or administrator to be insufficient for the payment of the debts of the estate.

THIRD—The executor or administrator may defer the sale of the emblements or annual crops raised by labor, which were not severed from the land of deceased at the time of his death, beyond the three months herein prescribed for the sale of the assets; and the same may be sold before or after they are severed from the land at the discretion of the executor or administrator, and in the mode prescribed for the sale of other goods and chattels; provided, however, that when by the terms of any last will the testator shall express a wish that there be no sale of his personal property, the court admitting the will to probate may, at its discretion, direct the omission thereof, and may, also, at any subsequent period, upon the application of any party interested, require and for good cause shall require, such sale to be made; and provided further, that when by the terms of any last will the testator shall express a wish that there be no appraisement of his household goods and furniture, the court admitting the will to probate may, at its discretion, direct the omission of such appraisement, but may, at any time thereafter, require such appraisement to be made, upon the application of any party interested therein.

When appraisement and sale of personal property not required.

Repeals, etc.

SECTION 2. That section 6074 of the Revised Statutes, as amended April 25, 1890, be and the same is hereby repealed; and this act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.

236G

[House Bill No. 970.]

## AN ACT

To amend section 4673 of the Revised Statutes of Ohio, as amended April 11, 1888 (85, O. L., 177), and section 4677 as amended April 5, 1882 (79, O. L., 73).

Township roads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-six hundred and seventy-three, of the Revised Statutes of Ohio, as amended April 11, 1888, and section forty-six hundred and seventy-seven, as amended April 5, 1882, be amended so as to read as follows:

Petition for township road, and notice.

SEC. 4673. On such petition being presented to the trustees, a majority of whom shall constitute a quorum for the transaction of all business of which they have jurisdiction, and they being satisfied that proper notice has been given, as aforesaid, they shall cause the petitioner to enter into bond with sufficient surety, payable to the state, for the use of the township, and conditioned that the person or board of education making such application shall pay into the treasury of the township the amount of all costs and expenses accruing thereon in case the application shall fail; and in case the application shall not fail the trustees may, in their discretion, order the petitioner to pay any or all costs and expenses of such application, or may pay all or any portion thereof out of the township treasury.

Proceedings of trustees on report of viewers of township road.

SEC. 4677. The trustees shall, at their next meeting, cause the report to be read, and, if the same be in favor of establishing the road, and the trustees deem it reasonable and just, they being satisfied that the compensation and damages, if any have been claimed and assessed, are just and equitable, and that the road will be of sufficient importance to the public to cause the same to be paid by the township, they shall order the same to be paid to the person or persons entitled thereto from the township treasury; but if, in the opinion of said trustees, the road is not of sufficient importance to the public to cause the same to be paid by the township, they may refuse to establish such road unless the compensation and damages which have been allowed and assessed are paid by the petitioner, or said trustees may, in their discretion, order a portion of such compensation and damages to be paid out of the township treasury, and require the petitioner to pay the remainder thereof before such road is opened; and the trustees shall order the clerk of the township to enter the report on record and issue their order to the petitioners or any of them, or to the proper supervisor where it is made his duty to open such road, to open the road to the width named in the report of the viewers, and the same shall be considered a private or township road, subject to be kept open and in repair at the expense of the applicants for the same, or otherwise as provided by law; but if the viewers report that the prayer of the petitioners is unreasonable and ought not to be granted, no further proceedings shall be had therein by the trustees; and all costs accruing under this section shall be paid by the persons making application for the road, except as herein provided.

Repeals.

SECTION 2. That said section forty-six hundred and seventy-three, as amended April 11, 1888, and said section forty-six hundred and seventy-seven, as amended April 5, 1882, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
237G

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[House Bill No. 1094.]

AN ACT

To provide for the under-ground draining of lands.

Outlet for under-ground drain.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it becomes necessary to enter upon the lands of another to secure an outlet to an under-ground drain or ditch, the person so entering upon the lands of another shall be required to continue said under-ground drain to such place for an outlet as shall not damage said lands by the water emptying upon the same.

Payment of cost according to benefits.

SECTION 2. That whenever such under-ground drain becomes a benefit to the owner of such lands through which it passes, he may be required to pay a reasonable share of the cost of drain upon said premises, and be permitted to use the same as an outlet for such drains as he may see fit to make.

Township trustees to locate drain when property-owners can not agree.

SECTION 3. That when the parties or owners of land to be thus drained, fail to agree as to location of under-ground drain, and the amount to be paid by each, the trustees of said township or townships shall locate said under-ground drain, specify size and quality of tile or other material to be used; specify the depth at which same shall be placed; apportion the expense of constructing the same among the parties interested; see that such under-ground drain is properly completed; provided, if the trustees deem it best, they may proceed under existing laws for the construction of township ditches, to perform the duties required of them by this act, and upon the failure or refusal of either party to pay the amount of said expense as determined by such trustees, the other party may bring action therefor before any justice of the peace of said township, and pursue the same to judgment and execution.

Damage to crops.

SECTION 4. That in the construction of such under-ground drain upon the lands of another, the person so entering to construct the same shall be liable for all damages to crops.

Ditches along public highways shall be kept open.

SECTION 5. That ditches and water-courses upon the public highways into which such under-ground drains empty, shall be kept open by the supervisor of such public

highways, to a depth sufficient for the proper drainage of such highways.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
238G

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[House Bill No. 1130.]

AN ACT

To amend section 6338 of the Revised Statutes.

Insolvent debtors:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-three hundred and thirty-eight of the Revised Statutes of Ohio, be amended so as to read as follows:

Election of trustee by creditors; who to be regarded as creditors for this purpose.

Sec. 6338. Whenever it shall be shown to the satisfaction of the court by any creditor or creditors of the assignor, that the assignee or assignees named in the deed of assignment, or the trustee or trustees appointed by the court under the provisions of the next two preceding sections, are not suitable persons to administer the trust, or their administration thereof will not be for the best interests of the creditors of the assignors, and a petition is filed with the court, signed by creditors of the assignor who own not less than one thousand dollars of debts against the assignor, and the validity of such debts is shown by the schedule of debts on file in the court, or otherwise established to the satisfaction of the court, praying for permission to elect a trustee or trustees, the court shall, by its order, fix a time for such election, and cause notices to be sent by mail or otherwise to each of the creditors of the assignor, specifying the time when the creditors shall meet at the court room for the election of a trustee or trustees; and at the time named in such order, if creditors representing fifty per cent. or more of the debts of the assignor are present in person or by attorney, they may proceed to the election of a trustee or trustees, a majority in value of all the debts so represented at such meeting being necessary to a choice; and the proceedings of the meeting showing what creditors were present as aforesaid, and the amount of the debts held by them respectively, and who cast their several votes, shall be made out and signed by the president and secretary of the meeting and filed with the court; and if the court approve the choice, and the trustee or trustees so elected appear within ten days thereafter and give bond, the court shall appoint him or them as such trustee or trustees, and remove the preceding assignee or trustee; provided, that the summary determination of the court as to who are creditors and the amount of their claims in this section provided shall have no effect as to the validity of such claims, except for the purpose of such election.

Repeals.

SECTION 2. That said section sixty-three hundred and thirty-eight be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
239G

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[House Bill No. 1141.]

AN ACT

To provide for the appropriation of nineteen hundred and seventy dollars for the payment of the claims of Drs. C. M. Galloway and S. S. Wilson for medical services rendered during the epidemic of diphtheria at the O. S. and S. O. home.

Appropriation for medical services at soldiers' and sailors' orphans' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, the following sums for the purposes herein specified, to-wit.

*Ohio Soldiers' and Sailors' Orphans' Home:*

To pay Dr. C. M. Galloway for extraordinary services during the epidemic of diphtheria, from October 1st, 1889, to April 15, 1890, $985.00.

To pay Dr. S. S. Wilson for medical services, under the employment of Superintendent Noah Thomas from October 1, 1889, to April 15, 1890, $985.00.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
240G

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[House Bill No. 1156.]

AN ACT

To amend sections 2 and 5 of an act entitled "An act to prevent the introduction of Texas fever among cattle," passed March 14, 1888.

Animals:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7468—37 and 7468—40 of the Revised Statutes be amended to read as follows:

Unloading of certain cattle in certain months forbidden, except.

Sec. 7468—37. Any railroad or other transportation company conveying into or through this state, or any stock-yard company receiving such cattle during the months aforesaid will not be permitted to unload the same in this state for any

other purpose than to be fed and watered or for immediate slaughter, and in yards and premises especially provided for that purpose, into which northern cattle will not be permitted to enter. And the location and arrangement of the said yards and premises and the disinfection of the cars and quarters used in the transportation of such cattle shall be governed by the rules and regulations prescribed by the board of live stock commissioners.

Prosecution for offenses hereunder.

Sec. 7468—40. Upon the request of the board of live stock commissioners it shall be the duty of the prosecuting attorney of any county in which the suit may be brought to begin and prosecute any action for the violation of the provisions of this act and the rules and regulations of the board of live stock commissioners. Proceedings against any railway company under this act may be had in any county in this state through which any portion of such company's road may pass, or in which its principal office may be situated; and process may be served by leaving a copy at the office of such company within such county.

Repeals, etc.

SECTION 2. That sections 7468—37 and 7468—40 be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
241G

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[House Bill No. 1157.]

## AN ACT

To authorize the several counties of the state to raise money to secure the location of the Ohio agricultural experiment station and to provide for such location.

Ohio agricultural experiment station: tax for donation for location of.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county in this state desiring to secure the location of the Ohio agricultural experiment station by making donations therefor, are hereby authorized and empowered to raise money for such donation by tax on all taxable property in such county, as listed on the county duplicate for taxation, the amount of which proposed donation shall be fixed by said commissioners.

Levy of tax.

SECTION 2. That such tax shall not exceed one mill on the dollar of the taxable property of the county in any one year, nor shall the aggregate of all levies for such purposes exceed ten (10) mills on the dollar.

Question to be submitted to vote.

SECTION 3. No such tax shall be levied or donation made until the question as to the amount to be donated has first been submitted by the county commissioners to the qualified voters of such county at some special election, a notice of which (specifying the amount to be donated) has been given at least

thirty days previous to said election, in one or more newspapers published and in general circulation in the county; which election shall be held at the usual places of holding elections, and conducted in all respects, as far as may be, as other elections, except that the returns shall be made to the county commissioners, at the auditor's office; and those voting at such election in favor of said tax, shall have written or printed on their ballots the words "Experiment station tax—Yes," and those voting against same, the words "Experiment station tax—No." And said commissioners shall meet at said auditor's office on the fourth day next after the said election, and canvass the votes; and if it appear that said tax is approved by a majority of the qualified electors voting at such election, then it is hereby made the duty of the county commissioners of said county to levy a special tax on all the taxable property of said county, to raise the sum donated by said vote, in accordance with section two of this act; and the money arising therefrom, when collected, shall be applied to no other purpose but the payment of bonds and interest as hereinafter provided for; and said special tax shall be entered upon the county duplicate, and be collected in like manner as other taxes are collected.

Issue of bonds.

SECTION 4. That to anticipate the collection of the tax authorized by this act, and the use of the money to be raised thereby, the county commissioners on acceptance of the donation herein contemplated, are hereby authorized and required to issue and negotiate the bonds of such county, in sums of not less than five hundred dollars each, payable (within ten years) at such times and bearing interest at a rate not exceeding six per cent., payable semi-annually, as the commissioners shall determine, which bonds shall not be sold or donated at less than their par value; and the proceeds thereof shall, on their receipt, be paid by said commissioners to the treasurer of state to the amount of said donation.

Funds paid into state treasury subject to requisitions of board of control.

SECTION 5. Such funds as may be paid into the state treasury under this act shall be held subject to the duly authenticated requisitions of the board of control of said station, such requisitions to be accompanied with vouchers showing the purposes for which the requisitions are drawn.

Acceptance of donation, and selection of location.

SECTION 6. The board of control of said agricultural experiment station shall accept such donation as may in their judgment be most advantageous to the station, and it shall then be their duty to select within the borders of the county, the donation of which is accepted, suitable lands for the use of said station, said lands to be as convenient of access from all parts of said county as may be practicable, and also to be accessible by railroad from all parts of the state. Provided, that any member of the board of control who shall accept or receive, directly or indirectly, any money or property on condition of using his influence in favor of locating said experiment station at any particular place, shall be held to be guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction, shall be fined not less than one thousand nor more than ten thousand dollars.

SECTION 7. The board of control shall have power to receive and hold in trust for the use and benefit of the experiment station any grant or devise of land, and any donation or bequest of money or personal property, to be applied to the general or special use of the station, as may be directed by the donor. Board of control may receive any grant, etc.

SECTION 8. The title for all lands for the use of said experiment station shall be made in fee simple to the state of Ohio, with covenants of seizin and warranty, and no title shall be taken to the state for purposes aforesaid until the attorney-general shall be satisfied that the same is free from all defects and incumbrances. Title for lands.

SECTION 9. The attorney-general of the state shall be the legal adviser of said board of control, and he shall institute and prosecute all suits in behalf of the same, and shall receive the same compensation therefor as he is entitled to by law for suits brought in behalf of the asylums of the state. Attorney-general to be legal adviser.

SECTION 10. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
242G

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[House Bill N . 1214.]

AN ACT

To empower the governor to make deeds for certain tracts of land situate in section 19, township 6, range 3, east, in Mercer county, to James F. Monroe and Edward Palmer, respectively, upon conditions agreed upon between said parties and the canal commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be and he is hereby empowered to make deeds for certain tracts of land situate in section 19, township 6, range 3, east, in Mercer county, Ohio, to James F. Monroe and Edward Palmer, respectively, upon condition that said James F. Monroe pay four hundred and fifty ($450.00) dollars; and that said Edward Palmer pay five hundred ($500.00) dollars into the state treasury, as has been agreed upon between the within named parties and the canal commission of the state, and recommended by the members of the board of public works. The land thus to be conveyed to said James F. Monroe being all that part of the south half of the south-east quarter of section 19, township 6, south of range 3 east in Mercer county, Ohio, lying and being above the waste-weir water line of the Mercer county reservoir as surveyed by T. F. Raudebaugh in the year 1889, and the land to be conveyed to the said Edward Palmer, being all that part of the north half of the south-east quarter of section 19, township 6 south, range 3 east in Mercer county, Ohio, Governor authorized to make deeds to James F. Monroe and Edward Palmer.

lying and being above the waste-weir water line of the Mercer county reservoir as surveyed by T. F. Raudebaugh in the year 1889.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
243G

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[House Bill No. 1330.]

AN ACT

To amend section 670 of the Revised Statutes, as amended May 2, 1885 (1 O. L., vol. 82, p. 227).

Institution for the blind:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 670 of Revised Statutes of Ohio be so amended as to read as follows:

Compensation of officers and employes of.

Sec. 670. Compensation shall be paid the following named officers and employes, at not exceeding the sums herein stated: To the matron, four hundred dollars a year; to the assistant matrons, three hundred dollars each per year; the housekeeper, three hundred dollars per year; the senior teacher in the literary department, eight hundred dollars per year; the second senior teacher in the literary department, seven hundred dollars per year; all other teachers in the literary department, four hundred and fifty dollars each per year; the professor of music, one thousand dollars per year; one teacher of music, five hundred dollars per year; all other teachers of music, three hundred dollars each per year; the teacher of bead-work, one hundred and fifty dollars per year; the foreman of broom-shop, six hundred dollars per year; and the engineer, one thousand dollars per year. but the teachers residing and boarding outside said institution may be paid in addition to the foregoing not to exceed five dollars per week in lieu of such board and residence during the time of actual service as teachers, out of the current expense fund of said institution.

Repeals.

SECTION 2. That said amended section 670 be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
244G

[House Bill No. 1369.]

AN ACT

To supplement section 4135 of the Revised Statutes.

Conveyances and incumbrances:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4135 of the Revised Statutes be supplemented by an additional section as follows:

Release of mortgage on certificate of mortgagee or assignee.

Sec. 4135*a*. Any mortgage shall also be discharged upon the record thereof by the recorder of the proper county whenever there shall be presented to him a certificate executed by the mortgagee or his assigns, and properly acknowledged and witnessed in the manner provided for deeds and other instruments for the transfer of real estate, certifying that said mortgage has been fully paid and satisfied[;] in addition to the discharge on the records by the recorder, as above provided, such certificate shall be duly recorded in a book kept for that purpose by such recorder, and he shall be entitled to the same fees for recording the said certificates as is provided by law for recording deeds.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
245G

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[House Bill No. 1672.]

AN ACT

Amending sections 1879, 1885 and 1895 of the Revised Statutes.

Police boards and officers (in Cincinnati):

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1879, 1885, and 1895 be amended so as to read as follows:

Police force: how constituted and officered.

Sec. 1879. The police force shall be composed of a superintendent of police and inspector of police, whose duty it shall be to act under the directions of the superintendent, as his deputy or assistant, and perform such other service as may be required of him by the mayor or superintendent; so many lieutenants of police as may be necessary, not to exceed twenty; one superintendent of patrol with rank and pay of lieutenant; so many sergeants not exceeding thirty-two; so many clerks, police court officers and station-house keepers as may be necessary; and so many watchmen or patrolmen as may be proper, not to exceed four hundred, not including mounted police and one surgeon of police and one assistant surgeon of police.

Secret detectives.

Sec. 1885. The mayor shall nominate and with the approval of the commissioners, shall appoint secret detectives not to exceed twelve in number, who shall be under his control, subject, however, to removal for cause or incompetency, on charges properly preferred, as required under the pro

lying and being above the waste-weir water line of the Mercer county reservoir as surveyed by T. F. Raudebaugh in the year 1889.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
243G

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[House Bill No. 1330.]

AN ACT

To amend section 670 of the Revised Statutes, as amended May 2, 1885 (1 O. L., vol. 82, p. 227).

Institution for the blind:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 670 of Revised Statutes of Ohio be so amended as to read as follows:

Compensation of officers and employes of.

Sec. 670. Compensation shall be paid the following named officers and employes, at not exceeding the sums herein stated: To the matron, four hundred dollars a year; to the assistant matrons, three hundred dollars each per year; the housekeeper, three hundred dollars per year; the senior teacher in the literary department, eight hundred dollars per year; the second senior teacher in the literary department, seven hundred dollars per year; all other teachers in the literary department, four hundred and fifty dollars each per year; the professor of music, one thousand dollars per year; one teacher of music, five hundred dollars per year; all other teachers of music, three hundred dollars each per year; the teacher of bead-work, one hundred and fifty dollars per year; the foreman of broom-shop, six hundred dollars per year; and the engineer, one thousand dollars per year, but the teachers residing and boarding outside said institution may be paid in addition to the foregoing not to exceed five dollars per week in lieu of such board and residence during the time of actual service as teachers, out of the current expense fund of said institution.

Repeals.

SECTION 2. That said amended section 670 be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
244G

[House Bill No. 1369.]

AN ACT

To supplement section 4135 of the Revised Statutes.

Conveyances and incumbrances:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4135 of the Revised Statutes be supplemented by an additional section as follows:

Release of mortgage on certificate of mortgagee or assignee.

Sec. 4135*a*. Any mortgage shall also be discharged upon the record thereof by the recorder of the proper county whenever there shall be presented to him a certificate executed by the mortgagee or his assigns, and properly acknowledged and witnessed in the manner provided for deeds and other instruments for the transfer of real estate, certifying that said mortgage has been fully paid and satisfied[;] in addition to the discharge on the records by the recorder, as above provided, such certificate shall be duly recorded in a book kept for that purpose by such recorder, and he shall be entitled to the same fees for recording the said certificates as is provided by law for recording deeds.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
245G

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[House Bill No. 1672.]

AN ACT

Amending sections 1879, 1885 and 1895 of the Revised Statutes.

Police boards and officers (in Cincinnati):

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1879, 1885, and 1895 be amended so as to read as follows:

Police force: how constituted and officered.

Sec. 1879. The police force shall be composed of a superintendent of police and inspector of police, whose duty it shall be to act under the directions of the superintendent, as his deputy or assistant, and perform such other service as may be required of him by the mayor or superintendent; so many lieutenants of police as may be necessary, not to exceed twenty; one superintendent of patrol with rank and pay of lieutenant; so many sergeants not exceeding thirty-two; so many clerks, police court officers and station-house keepers as may be necessary; and so many watchmen or patrolmen as may be proper, not to exceed four hundred, not including mounted police and one surgeon of police and one assistant surgeon of police.

Secret detectives.

Sec. 1885. The mayor shall nominate and with the approval of the commissioners, shall appoint secret detectives not to exceed twelve in number, who shall be under his control, subject, however, to removal for cause or incompetency, on charges properly preferred, as required under the pro

Compensation. visions of section 1881; and each secret detective thus appointed, shall receive as compensation a sum not exceeding fifteen hundred dollars per annum. Said compensation to be fixed by the mayor, subject, however, to the approval and consent of the commissioners; the mayor shall designate one of the secret detectives to act as chief of detectives, and he shall be responsible to the mayor and superintendent of police for the proper conduct and management of this branch of the police service. Said chief of detectives may be allowed, as additional compensation, a sum not exceeding three hundred dollars per annum. The actual and necessary expenses incurred in more effectively carrying out the provisions of this section shall be paid out of a fund to be known as the contingent fund, which shall be monthly estimated by the mayor, and approved by the board.

Chief of detectives.

His additional compensation.

Contingent fund.

Compensation of officers and members.

Sec. 1895. The officers and members of the police force shall receive compensation as follows: The superintendent a salary of thirty-five hundred dollars per annum, ten hundred dollars of which sum shall be paid by the county in which such city is situated; the inspector of police shall receive a salary not exceeding eighteen hundred dollars per annum; the police surgeon shall receive a salary not exceeding fifteen hundred dollars; assistant police surgeon shall receive a salary not exceeding twelve hundred dollars per annum; lieutenants of police shall receive pay at the rate of eighty dollars per month for the first year, eighty-five dollars per month for the second year, ninety-five dollars per month for the third year, and for the fourth and subsequent years of their service one hundred dollars per month; sergeants shall receive pay at the rate of seventy-five dollars per month during the first year of their service, eighty dollars per month during the second year, eighty-five dollars per month during the third year, and ninety dollars per month during the fourth and subsequent years of their service; patrolmen shall receive pay at the rate of seventy dollars per month during the first year of their service, seventy-five dollars per month during the second year, eighty dollars per month during the third year, and eighty-five dollars per month during the fourth and subsequent years of their service; and station-house keepers shall receive pay at the rate of sixty dollars per month during the first two years of their service and sixty-five dollars per month during the third and subsequent years of their service; the chief police court officer shall hold rank and receive the pay of lieutenant; and the court officers, the rank and pay of patrolmen; provided, however, that in estimating the length of service those officers and policemen appointed from the force now existing in such cities shall receive credit for the time and faithful services rendered as such officers and policemen heretofore; the compensation of all clerks and other persons employed under the provisions of this subdivision and not otherwise fixed shall be determined by the commissioners.

Repeals.

SECTION 2. That original sections 1879, 1895 and 1885 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after July 1, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
246G

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[House Bill No. 1679.]

## AN ACT

**To provide for the disposal of money withheld from public contractors by cities of the first grade of the second class.**

Sinking fund trustees in certain cities (Cincinnati) to be custodians of money withheld from public contractors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any city of the first grade of the second class, whenever any portion of the cost of any improvement shall have been reserved or retained by such city or of the authorities thereof, to indemnify and protect the city against any loss or damage to be ascertained within a given time by reason of imperfect work or materials on such improvement, or to secure the keeping of such improvement in repair for a stated time, such sum or sums so as aforesaid retained shall immediately upon completion of the work be transferred to the trustees of the sinking fund in such city to be by said trustees invested in interest-bearing bonds of the city in which such improvement may have been made or such work may have been done.

Such money to be invested in bonds.

Interest on bonds to be paid to contractor on certain conditions.

SECTION 2. The interest on said bonds, shall upon presentation by the contractor for such work or improvement, of a certificate from the city civil engineer stating that the work or improvement upon which such money so invested was retained, is in good condition and repairs, and that the contractors therefor have carried out the terms and conditions of his guaranty upon said work or improvement, be paid over to said contractor in semi-installments as the same is collected, and at the expiration of the term of said guaranty the bonds or securities so held as above specified, shall be by said trustees converted into money and shall upon presentation of the city civil engineer's certificate that such guaranty has expired by limitation, and that the work or improvement is in such condition as required by the terms of said guaranty be paid over to said contractor. But upon failure to so present such certificate of the city civil engineer, no part of the interest collected upon or principal realized from sale of said bonds shall be paid to said contractor, but may be used wholly or in part for the purpose of putting such work in such condition and repair as the terms of said guaranty may require. The residue, if any there be after making the necessary repairs as aforesaid, shall upon certificate of the city civil engineer that such repairs have been made, be paid to said contractor. But nothing in this act contained shall be so construed as to release the contractor for any work from his obligation to fully

When principal to be paid to contractor.

carry out and perform each and every provision of his said contract.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
247G

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[House Bill No. 1694.]

AN ACT

To provide an official stenographer for certain counties therein described.

Official stenographers in certain counties (Wayne, Ross, Miami, Lawrence and Jefferson).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having a population of not more than 39,995, nor less than 38,900, by the federal census of 1890, or which at any subsequent federal census may have such population, the court of common pleas may appoint one official stenographer for such county, who shall hold his office for a term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office; and he shall receive a salary of five hundred dollars per annum, payable in equal monthly installments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Salary, etc.

Duties.

SECTION 2. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried in the circuit, common pleas and probate courts, to the court or jury, the short-hand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into long-hand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same, but no transcript of the notes into long-hand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered made by the judge trying the case, for his own use and in criminal cases, by the prosecuting attorney. Such stenographer shall also,

without extra compensation, take from the dictation of the court such short-hand notes as may be required in preparing opinions and charges to juries.

Fees.

SECTION 3. Such stenographer shall receive, for making such transcripts of said notes into long-hand, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county, by the clerk of the court.

Office, and powers.

SECTION 4. Such stenographer shall have his office in the court-house of the county, and shall have power to take and certify depositions in any of the courts in this state, and may be appointed referee to take and report proof in causes pending in any of the courts of this state; and in taking such depositions and proof, he shall have power to swear witnesses, and for services under this section shall be entitled to receive ten cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
248G

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[House Bill No. 1714.]

## AN ACT

To amend an act entitled "An act to enact supplementary sections to section 4895 of the Revised Statutes," passed April 15, 1890 (87 O. L., pages 196, 197 and 198).

Repair of improved roads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections shall be supplementary to section 4895 of the Revised Statutes, with sectional numbering as follows:

Road districts created in certain counties (Champaign).

Sec. 4895*a*. Each township in all counties which at the federal census of 1880 had, or at any subsequent federal census shall have, a population of not less than 27,817 nor more than 27,825, or at the federal census of 1890 had, or at any subsequent federal census shall have, a population of not less than 26,950 nor more than 27,000, is made a road district for the care and maintenance of all public highways, all macadamized or graveled roads which are free roads, whether constructed under general or local laws by taxation or assessment, or both, or converted by purchase, or otherwise from a toll road into a free road under any law, and all turnpike roads or parts thereof, unfinished or abandoned by such turnpike company and

appropriated or accepted by the commissioners of the county, and the same shall be kept in repair as herein provided.

Notices to be given by auditor.

Sec. 4895*b*. Unless such notice has already been given, the auditor of each of said counties shall immediately give notice to the clerk of each township that the trustees are required to take the charge and control thereof; and the auditor shall give the like notice upon the acceptance or appropriation of any other such roads.

Township trustees to appoint road superintendents on receipt of notice.

Sec. 4895*c*. The township clerk, on the receipt of such notice from the auditor, shall immediately notify the township trustees of such fact, who shall, upon receipt of the notice, have full charge and control of all such roads as are herein provided for within their township. The trustees shall divide the township into such number of districts not to exceed eight, as the best interests of the public roads in their judgment may demand, and shall appoint for each of such districts a suitable person, not one of their own number, who shall be a resident of the district, and shall be known as road superintendent.

Oath, bond and term of road superintendents.

Sec. 4895*d*. Each person so appointed shall, before entering upon the duties of his office, take an oath to faithfully discharge the duties thereof, and give bond to the state of Ohio in a sum satisfactory to the trustees of the township, not less than five hundred dollars, with sureties as the trustees shall require, which bond shall be filed with the township clerk. His appointment shall be for one year and he may be removed or dismissed at the will of the trustees or a majority thereof at any time.

Powers and duties of road superintendents.

Sec. 4895*e*. When properly qualified the road superintendent shall have full control under the trustees of all such roads within his district, and shall keep them in good repair and condition for all kinds of public travel, and for this purpose he shall have all the powers and privileges of road supervisors for drainage, and for the removal of timber, logs, cordwood or other obstructions found within the limits of the road from time to time. He may, subject to the will of the trustees, contract for all material necessary for repairs, and in cases of floods or freshets, giving rise to breaks in the road-bed, or washing off large quantities of gravel, he may contract for repairs, either by day or job work, and shall certify the same with itemized account to the trustees, who, upon finding the accounts correct and satisfactory, shall pay them out of the township treasury from funds raised for road purposes. The trustees shall furnish such superintendent with plows, scrapers, or other implements as are necessary for the proper and economical care of the roads. The road superintendent shall, at the regular March meeting of the trustees each year, make an itemized report of the receipts and expenditures in his district for road purposes the preceding year; the number of persons in his district who are required by law to perfom two days' labor on the public highway, and the number who have performed such labor; the number of miles and the condition for public travel of all roads in his district, and the probable wants of such roads for the ensuing year. The township clerk in his annual statement shall specify the amount of money received and expended for road purposes in each district of the township. The road

superintendent shall receive for his services under the preceding sections, not exceeding two dollars per day as the trustees may determine, for the time actually employed in the care of such roads, which shall be paid out of the road funds of such township. The superintendent shall not, either directly or indirectly, work out any of the taxes herein provided for in this act; nor shall he receive any compensation for the work of any team of which he is the owner, on any such roads, nor shall he employ any member of his own family in such work by which he shall himself be financially benefited. And the trustees shall not certify any account to the township clerk in favor of any superintendent for work on such roads, other than is herein provided for superintending and caring for such roads.

Penalty for violation of law by road superintendent.

Sec. 4895*f*. Any such road superintendent who neglects or refuses to perform the duties enjoined on him herein, or who, under any pretense whatever, gives or signs any certificate for labor or work performed, or material furnished, when the labor has not been performed or material furnished before the giving or signing of such certificate, shall forfeit for every such offense not less than five dollars nor more than fifty dollars, to be recovered by an action before a justice of the peace within the township where such superintendent resides, and the trustees of the township shall prosecute all offenses against the provisions of this section.

Levy of tax.

Sec. 4895*g*. The township trustees shall provide means for keeping in repair all such roads within their township, and in addition to the two days' labor required by law, but which shall not be required to be performed during the days of corn-planting and wheat-harvesting, which shall be worked under the direction of the road superintendent in their respective districts, they shall levy upon the taxable property of the township, a sum sufficient for said purpose, not to exceed two mills on the dollar in any one year, and the same shall be collected as other taxes, and when collected shall be paid by the county treasurer to the township treasurer upon the order of the county auditor. The trustees, in determining the division of the fund, shall be governed, not by the number of miles of road in each district, but by the necessities of the roads, the convenience of getting material, the quality of the material necessary to make substantial repairs, and shall make a just and equitable division of the fund between the districts. In expending the funds provided in this section, the road superintendent shall give preference to those from whom the tax is collected, and it shall be the duty of the trustees to see that this provision is observed, so far as practicable for the best interests of the roads and of the taxpayers. For day work the superintendent shall pay such amount as shall be fixed by the trustees, which shall be uniform throughout the township.

Preference in expenditure of funds.

Per diem.

Repair of culverts and bridges.

Sec. 4895*h*. The superintendent shall keep in repair all culverts necessary for the travel and convenience of such roads; his authority shall extend to the repairing and rebuilding of bridges and culverts in all cases wherein the expenditure of money shall not exceed fifty dollars. He shall

have power to contract for the necessary material and labor therefor, and, when approved and indorsed by the township trustees, shall certify the same, together with an itemized account of the expenses incurred to the county auditor, who, upon finding the account proper and correct, and in conformity with the provisions of this section shall, upon the order of the county commissioners, issue an order on the county treasurer for the amount of such certificate, or so much thereof as may be allowed by them in favor of the party to whom such certificate was issued. But any repairs or rebuilding, the estimated cost of which exceeds ten dollars on any one culvert or bridge, shall first be authorized by the township trustees in writing, and the superintendent shall accompany his account to the auditor with a copy of the trustees' authorization. Nothing in this section shall be construed to prevent the superintendent himself, from doing the work of repairing or rebuilding; but repairing and rebuilding culverts and bridges or overseeing the same shall be considered wholly distinct and separate from his duty as superintendent of roads, and in no case shall he receive any compensation for the duties required in this section except as the commissioners may allow.

Office of road supervisor abolished, etc.

Sec. 4895*i*. In the counties enumerated in section 4895*a*, the office of road supervisor is abolished, and the trustees in their notice of election for township officers, each year shall omit the office of road supervisor in their notice. The road superintendent, as provided for in section 4895*c*, is invested with all the powers and privileges that are conferred by law upon supervisors; and section 4889 of the Revised Statutes, so far as it relates to the counties mentioned in section 4895*a* of this act, is void.

Issue of certificates of indebtedness, and levy of tax.

Sec. 4895*j*. Townships, that, during 1890, did not borrow money or issue certificates of indebtedness as authorized by original section 4895*j* of the act passed April 15, 1890, are hereby authorized to borrow or issue certificates of indebtedness for a sum not exceeding $1,000 for purposes of road improvement during the year 1891, and in addition to the sum already levied, may make a levy sufficient to provide for the payment of the sum herein authorized to be borrowed.

Repeals, etc.

SECTION 2. The act of which this act is amendatory, passed April 15, 1890, is repealed, and this act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
249G

[House Bill No. 1720.]

AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for water-works purposes and for the erection of bridges.

Certain cities (Springfield) may issue bonds for water-works and bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, wherein water-works have been or hereafter may be constructed, be and it is hereby authorized and empowered, upon application by the trustees of water-works of such city, to issue, from time to time, bonds of such city, designated water-works bonds, for the purpose of constructing water-mains or pipe-lines, not exceeding in the aggregate twenty-five thousand dollars; and the council of any city of said class and grade, is hereby authorized and empowered upon application of the board of public affairs of such city, to issue, from time to time, bonds of such city designated bridge bonds, for the erection of a bridge or bridges, not exceeding in the aggregate thirty-five thousand dollars.

Bonds.

SECTION 2. Such bonds shall be in such denomination, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding five per cent. per annum payable semi-annually, as such council may by ordinance determine, they shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in manner as is or may be provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which such bonds are issued.

Levy of tax.

SECTION 3. For the purpose of paying the principal and interest of any bonds which may be issued under authority of this act, as they mature, respectively, the council of any such city is hereby authorized and empowered to levy and collect, from time to time, a tax sufficient in amount, in the manner of levying and collecting other taxes in the corporation, upon all taxable property of such city.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
250G

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[House Bill No. 1722.]

AN ACT

To amend and supplement section 2440 of the Revised Statutes.

Fire department (in Cincinnati):

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2440 of the Revised Statutes be and the same is hereby amended and supplemented with sectional numbering, as follows:

Appointment of fire marshal and other officers.

Sec. 2440. The board shall have power to appoint a fire marshal, who shall be the executive officer of the board, and have the active management of the fire department when in service, and such number of assistant fire marshals as may, in the judgment of the board, be required for an effective management of the department, whose terms of office shall be three years, and until their successors are elected and qualified. And the board shall appoint such other officers and employes as may be necessary for the efficient management of the department, who shall hold their positions until removed by death, resignation, or for incompetency, inefficiency, permanent disability, insubordination, or violation of a rule or regulation of the department. No member or officer shall be appointed or removed on account of his religious or political opinion, nor shall any officer or member participate in political conventions, or primary convocations of any political party whatever. The board shall fix the salaries and prescribe the duties of the fire marshal, assistants, and of all officers and members of the department, provided, however, that as to the following officers and members of the department the annual salaries shall be fixed within the following prescribed limits, viz: Fire marshal, not less than $3,000, nor more than $3,500; first assistant fire marshal, not less than $2,000 nor more than $2,500; other assistant fire marshals, not less than $1,800 nor more than $2,200; secretary, not less than $1,800, nor more than $2,200; assistant secretary, not less than $1,080, nor more than $1,150; captains, not less than $1,260, nor more than $1,400; lieutenants, not less than $1,116, nor more than $1,200; engineers, not less than $1,200, nor more than $1,350; stokers or assistant engineers, not less than $1,080, nor more than $1,150; pipemen, truckmen, linemen, or repairers, drivers and plugmen, not less than $1,080, nor more than $1,150; assistant superintendent of fire alarm telegraph, not less than $1,600, nor more than $1,800; operators, not less than $1,140, nor more than $1,200; assistant operators, not less than $600, nor more than $900.

Salaries.

Issue of bonds.

Sec. 2440*a*. When a deficiency occurs in the fire fund of any such city by reason of the salaries provided for in the preceding section the board of fire trustees may communicate the amount of the probable deficiency to the board of administration of such city, and it shall thereupon be the duty of said board of administration to issue bonds of said city payable in not less than ten years and not more than twenty years from the date of their issue, with interest at 4 per cent. per annum, in an amount not to exceed $25,000 to meet such deficiency; and the said bonds shall be signed by the mayor of such city, the president of the board of administration, and the city auditor, and shall be secured by the pledge of the faith and credit of the corporation for the payment of such bonds and the interest thereon.

Repeals.

SECTION 2. That said section 2440 of the Revised Statutes be and the same is hereby repealed upon the taking effect of this act.

SECTION 3. This act shall take effect and be in force from and after the 1st day of July, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
251G

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[House Bill No. 1724.]

AN ACT

**To authorize villages in the state of Ohio, having at the last federal census a population of not less than 1,660 nor more than 1,670, to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in said villages.**

Certain villages (Columbus Grove) may issue bonds to encourage manufactories.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the councils of villages having at the last federal census a population of not less than 1,660 nor more than 1,670, be and are hereby authorized to issue and sell the bonds of said villages, in any sum not exceeding $25,000, bearing interest not to exceed six per cent. per annum, payable annually, in denominations not less than $500, nor more than $1,000, the proceeds whereof shall be applied to the securing and encouraging of manufactures in said village.

Question to be submitted to vote.

SECTION 2. Before said bonds or any part thereof shall be issued, the council of any such village shall provide by resolution for submitting the question of issuing the same to a vote of the qualified electors of such village, at the usual place of holding municipal elections, and the mayor of such village shall issue and publish in some newspaper of general circulation in the corporation, for ten days previous to said election his proclamation setting forth therein the time and place of holding said election, the purposes to which the proceeds of said bonds are to be applied, and the ballots to be voted at said election shall have written or printed thereon the words, "For issuing bonds—Yes," "For issuing bonds—No." And if two-thirds of all the votes cast at said election shall be in favor of issuing said bonds, and shall be so certified by the judges of said election, the council may proceed to issue and sell said bonds, or any part thereof at not less than their par value, and provide for the payment of the principal and interest thereof at such time or times not exceeding twenty-five years as the council may designate, by levying on all the taxable property of any such village annually, a tax not exceeding four mills, in addition to the general levy now allowed by law for other purposes.

Levy of tax.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
252G

[House Bill No. 1738.]

AN ACT

To amend supplemental sections 2334*a*, 2334*b*, and 2334*c*, of the Revised Statutes, as passed April 2nd, 1889.

Assessments—sidewalks, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental sections 2334*a*, 2334*b*, and 2334*c*, of the Revised Statutes of Ohio, as passed April 2nd, 1889, be so amended as to read as follows:

Sidewalks: how constructed in certain villages (in Hamilton county).

Sec. 2334*a*. That the council of incorporated villages, situate in counties containing cities of the first grade of the first class may, upon the petition of the owners of two-thirds of the front feet of lots abutting upon both sides or on one side of any streets, or portions of streets, between designated points of such villages, provide by ordinance for the construction and improvement of sidewalks along said streets, or portions of streets, designated between given points, of such material and width as the said petition may designate, and the mayor shall forthwith appoint a sidewalk committee of three citizens, one of whom shall be a member of council, and the other two from the property-owners who shall petition for said sidewalk or walks, which committee shall receive no compensation for services. Said committee shall have estimates made for such work, and make the contracts therefor, which contract shall not be valid until submitted to and approved by council; and said committee shall have the entire supervision of the construction of such work, and no part of the expense thereof shall be paid by council until such work, and bills therefor, shall be approved by said committee. One-half of the cost of said sidewalk or walks shall be defrayed by said village, and the other half by the property-owners upon such streets, or portions of streets between designated points so petitioned; provided, that such improvement may be made upon one or both sides of the said streets, as asked for in said petition, the same to be at the discretion of the council, and in the event of only one side of said streets, as asked for in said petition, being so improved, the ordinance shall designate which and what parts thereof and provide for suitable crossings, and if the improvement on one side is made on a petition of the owners of two-thirds of the front feet of lots abutting on both sides, two-sixths of the expenses shall be assessed upon the lots abutting upon the side of the street upon which the sidewalk is built, and one-sixth of such expense upon the lots upon the opposite side of the street thereto but after a sidewalk has been so constructed on one side of a street whether prior or subsequent to this enactment, and the charge so assessed as aforesaid, the council shall upon the petition alone of the owners of two-thirds of the front feet of the lots on the other or corresponding side of such street or portion of street on which no sidewalk has been constructed, provide[d] by ordinance as aforesaid for the construction of a sidewalk on the side so petitioned for, and the charge therefor shall be assessed in a similar manner as aforesaid on both sides of the street or portion of street; if the improvement is made on one side of the street upon a petition

of two-thirds of the owners of the front feet of lots abutting on that side only, then and in that case, one-half of the expense shall be assessed on the side of the street so improved, provided, that nothing in this section contained shall apply to any improvement, ordered, commenced or completed prior to the passage of this act.

When council shall assess costs of construction upon abutting property.

Sec. 2334*b*. Whenever an improvement is ordered by the council, and made under the provisions of the foregoing section, the council, shall, if so requested in the petition therefor, or may in its own discretion, provide for the payment of the expenses thereof, which are chargeable upon the abutting property, in equal annual installments, and make corresponding annual assessments therefor on such property, if such mode of payment shall be requested by the property-owners or otherwise ordered, the council shall be authorized and required to issue the bonds of said village corresponding in amount and time of payment, with such annual installments, and bearing a rate of interest not exceeding six per cent., which may be given at not less than par to the contractors who may have made such improvement, in payment of the cost thereof or may be sold at not less than par, and the proceeds thereof applied to the same purpose. And council shall assess upon such abutting property an amount which will be sufficient to provide in annual installments, for the payment of such bonds and interest as they shall mature and the necessary expenses; and such assessment shall be certified, and be a lien upon the assessed property.

Bonds.

Sec. 2334*c*. The council of any village coming under the provisions of this act is hereby authorized to borrow money at such times and in such amounts as may be required for the purpose of defraying one-half of the costs of said sidewalks as hereinbefore provided, and the council of any village is hereby empowered to issue bonds of the village for the money so borrowed; said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and said bonds shall be of such denominations and shall mature at such times, as the council may determine; provided, said bonds shall not be sold for less than their par value. Said council is hereby authorized to levy such tax upon the taxable property of said village, in addition to the tax now allowed by law, as may be necessary to pay the interest and principal of said bonds when the same become due; said tax to be levied and collected in the same manner as taxes for genera purposes are levied and collected.

Levy of tax.

Repeals.

SECTION 2. Said supplemental sections 2334*a*, 2334*b*, and 2334*c*, are hereby repealed. And section 2333 so far as it affects the provisions of this act is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.

[House Bill No. 1744.]

AN ACT

To amend section 2805 of the Revised Statutes and repeal said original section.

Boards of equalization:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2805 be and the same is hereby amended to read as follows:

Annual city boards of equalization: how constituted and organized.

Sec. 2805. In each city of the first and second class there shall be an annual board for the equalization of the value of real and personal property, moneys, and credits in such city, to be composed of the county auditor, and six citizens of such city appointed by the council thereof, except in cities of the second grade, first class, where the mayor of such cities shall make such appointments; the first appointments to be two for one year, two for two years, and two for three years, except in cities in which such boards are already organized, when two shall be appointed for three years, and two shall be thereafter annually appointed for three years; and all vacancies shall be filled for the unexpired term; provided, that the provisions of this act shall not affect any person or persons heretofore appointed, and now in office, during the time for which they shall have been appointed. Said board shall have all the powers, and be governed by the rules, provisions, and limitations prescribed in the next preceding section for the annual county board; each member of said board is authorized to administer oaths, and said board is empowered to call persons before them, and examine them, under oath, in regard to their own or others' property, moneys, credits, and investments, and the value thereof, and to equalize the value of real and personal property, moneys, credits, and investments within such city, and to order any property, credit, or investment to be placed on the duplicate for taxation, and fix the value thereof, according to law, which has not been listed for taxation, and to increase the value of such property, moneys, credits, and investments, as have, in their judgment, been listed at less than their true value in money, and to reduce the value of such property, moneys, credits, or investments as have been appraised above their true value in money, and shall annually meet, at the office of the county auditor, on the fourth Monday in May, except in cities of the first and second grade of the first class, when it shall meet on the fourth Monday in May, and shall close its session on or before the second Monday of September, except that in cities of the third grade of the first class, and in cities of the first and second grades of the second class, and cities having a population of twenty thousand and over by the last federal census, and which have not been by ordinance advanced to a city of the second grade of the second class, said board shall close its session on or before the first Monday of August; and in cities of the third and fourth grades of the second class, said board shall close its session on or before the fourth Monday of June then next following. For each day necessarily employed in the performance of their duties, the members of said board shall each

Compensation.

receive, in cities of the first class, and the first and second grades of the second class, and in cities having a population of twenty thousand and over, ascertained as aforesaid, and which have not been advanced to a city of the second grade of the second class, the sum of five dollars per day, and in cities of the third and fourth grades of the second class, the sum of three dollars per day, and in cities of the third and fourth grades of the second class, not county seats, the members of such board shall receive, in addition to the sum of three dollars per day, ten cents per mile traveling expenses going to the said county seat; and in cities of the first class, first grade, the auditor shall receive no compensation as a member of the board, but the board may appoint all necessary messengers and clerks, not exceeding six of each, who shall receive three dollars per day for their services, for the the time actually employed, which shall be paid out of the county treasury. The county auditor may act by his deputy or chief clerk in all city boards of equalization, and, in addition to the clerks herein authorized, the auditor of the county having a city of the first grade of the first class shall appoint a clerk, who shall be styled the chief clerk of the board of equalization, at a salary of five dollars for each day's services performed; and such boards shall each have the same powers as are conferred upon annual county boards by the next preceding section, and upon complaint of the presiding officer thereof to the probate judge, the same proceedings shall be had against persons notified, and neglecting or refusing to appear before them, or refusing to swear, or answer questions, as is provided in section two thousand seven hundred and eighty-three; and county solicitors, or, where there is no such office, the prosecuting attorney of the county shall act as the legal adviser and attorney for the county board, and the city solicitor of the city board of equalization.

Certain act not repealed.

SECTION 2. That this act shall not be deemed to supersede or in any manner to affect section 2 of an act entitled "An act supplementary to and amendatory of title 12 of the Revised Statutes of Ohio," passed March 26, 1891.

Repeals, etc.

SECTION 3. That said original section 2805 is hereby repealed, and this act shall take effect from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
254G

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[House Bill No. 1746.]

AN ACT

**To amend an act entitled "An act to facilitate the collection of forfeited and delinquent taxes in Lucas county," passed February 26, 1880.**

Collection of taxes in Lucas county:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to facilitate the collec-

tion of forfeited and delinquent taxes in Lucas county," passed February 26, 1880, be amended so as to read as follows, viz: The auditor of any county in which there is a city of the third grade, first class, shall place opposite to, or charge to, the proper descriptions on the regular grand tax duplicate of said county for the year 1891, and thereafter, any unpaid taxes on real estate, or installments of such taxes, which are now charged or entered on the special duplicates provided for by section 3 of the act above referred to, which said duplicates are known as the "1878 and previous duplicate," and "judgment duplicate."

Taxes on special duplicate to be transferred to grand duplicate.

Validity of lien for taxes not affected.

SECTION 2. Nothing in this act shall affect the validity or priority of the lien of the taxes and assessments for the year 1878, and prior thereto, so placed upon said grand tax duplicate, nor of any decree rendered for such taxes and assessments.

Repeals.

SECTION 3. That the said original act entitled "An act to facilitate the collection of forfeited and delinquent taxes in Lucas county," passed February 26, 1880, be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
255G

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[House Bill No. 1755.]

AN ACT

To amend section 2 of an act entitled "An act to provide for the reversion and use of abandoned fair grounds in certain cases," passed May 17, 1886 (83 v. pp. 192, 193).

Parks:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of said act be so amended as to read as follows:

Franklin park commission.

Sec. 2. Such real estate so held shall be under the supervision and control of a park commission, consisting of five persons, two of whom shall be appointed from the country by the county commissioners, and two from the city to be appointed by the mayor. Said commissioners shall be appointed for the term of three years, and shall serve until their successors, who shall be appointed in the same manner, shall be appointed. The mayor shall be ex-officio a member of said commission and entitled to vote on all questions coming before it. Any fund under the control of said agricultural society, when it shall cease to exis as aforesaid, shall be turned over to such park commissioners.

Repeals.

SECTION 2. That section 2 of the above mentioned act be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
256G

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[House Bill No. 1764.]

AN ACT

To supplement section 2292 of the Revised Statutes of the state of Ohio by enacting a supplemental section thereto to be known as section 2292a.

Assessments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2292 of the Revised Statutes of the state of Ohio be supplemented by a supplemental section thereto to be known as section 2292*a* as follows:

Cities first class, third grade (Toledo), may levy tax to pay one-half cost of lighting streets.

Sec. 2292*a*. In every city of the third grade of the first class the common council, for the purpose of paying at least one-half the cost of lighting the corporation and such portion thereof in addition thereto as the common council may deem expedient, shall by ordinance levy and assess a tax upon all the taxable property, real and personal, in said city in addition to the amount now authorized by law to be levied; and in addition thereto may levy and assess a tax sufficient in amount to pay one-half the cost of such lighting in proportion to the feet front on the lots and lands bounding and abutting on the streets and avenues lighted; and in the case of lots or lands lying lengthwise of any street or avenue so lighted, or lots or lands bounding and abutting upon two streets that are lighted, no more than fifty per cent. of the cost of such lighting which might otherwise be assessed upon such lots and lands shall be assessed thereon, and the balance of such cost shall be paid from the fund derived from the general levy herein required to be made; and all the provisions of this chapter concerning special assessments and the collection thereof, which in their nature are applicable, shall apply to assessments for this purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
257G

[House Bill No. 1770.]

AN ACT

To authorize the city council of any city of the second class, fourth grade, which at the last federal census had a population of not less than 7,600 nor more than 7,610 to issue and sell bonds for the purpose of street improvements.

Certain cities (Alliance) authorized to issue bonds for street improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, fourth grade, which at the last federal census had a population of not less than 7,600 nor more than 7,610 be, and said council is hereby authorized to borrow a sum of money not to exceed twenty thousand dollars for the purpose of making permanent street improvements in said city, and that for the purpose of making such loans, said city council be and is hereby authorized to issue bonds of said city in such denominations, and payable at such times, not exceeding ten years from the passage of this act, as said city council may determine.

Interest, etc.

SECTION 2. Said bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof. They shall be signed by the mayor, and countersigned by the clerk of said city, and shall be authenticated by the seal thereof, and a complete record of the same shall be kept by the clerk of said city.

Sale of bonds, etc.

SECTION 3. Said bonds shall be issued and sold from time to time as may be required to meet the actual cost and expense of the work and improvements herein provided. All moneys arising from the sale of said bonds shall be used exclusively for the said purpose.

Levy of tax.

SECTION 4. Said bonds shall be issued and sold in anticipation of the levy of a tax not to exceed two mills, to be levied by the council of said city on the taxable property thereof, every year during the period said bonds have to run, and which shall not increase the aggregate of taxation in said city for municipal purposes above the limit authorized by law. The tax so levied to form a separate fund, to be known as the street improvement fund; said fund to be reserved and applied exclusively to the payment of said bonds with the accrued interest thereon, as the same from time to time may fall due.

Question to be submitted to vote.

SECTION 5. Before issuing said bonds, the council shall submit the question of issuing the same, to the qualified electors of said city, at some special or general election, as the council may determine in either case by giving notice thereof for ten days previous by publication in two newspapers published in, or of general circulation in said city. The tickets shall have printed or written thereon, the words: "Issue of bonds for street improvements—Yes—No." If a three-fifth of those voting upon the proposition at such election shall be in favor of issuing said bonds, then, and then only shall said council be authorized to issue said bonds as hereinbefore provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
258G

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[House Bill No. 1771.]

AN ACT

To authorize the city council of any city of the second class, fourth grade, which at the last federal census had a population of not less than seven thousand six hundred nor more than seven thousand six hundred and ten to issue and sell bonds for sewerage purposes.

Certain cities (Alliance) authorized to issue bonds for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class, fourth grade, which at the last federal census had a population of not less than seven thousand six hundred, nor more than seven thousand six hundred and ten, be and the said council is hereby authorized to borrow a sum of money not exceeding thirty thousand dollars for the purpose of providing sewerage for said city, and that for the purpose of making said loan, said city council be and is hereby authorized to issue bonds of said city in such denominations, and payable at such times, not exceeding ten years from the passage of this act, as said city council may determine.

Interest, etc.

SECTION 2. Said bonds shall bear interest at the rate of six per cent. per annum payable semi-annually, and shall not be sold for less than the par value thereof. They shall be signed by the mayor and countersigned by the clerk of said city, and shall be authenticated by the seal thereof, and a complete record of the same shall be kept by the clerk of said city.

Sale of bonds, etc.

SECTION 3. Said bonds shall be issued and sold from time to time as may be required to meet the actual cost and expense of the work and improvements herein provided. All moneys arising from the sale of said bonds shall be used exclusively for the said purpose.

Levy of tax.

SECTION 4. Said bonds shall be issued and sold in anticipation of the levy of a tax not to exceed two mills, to be levied by the council of said city on the taxable property thereof, every year during the period said bonds have to run, and which shall not increase the aggregate of taxation in said city for municipal purposes above the limit authorized by law. The tax so levied to form a separate fund, to be known as the sewerage fund; said funds to be reserved and applied exclusively to the payment of said bonds with the accrued interest thereon, as the same from time to time may fall due.

Question to be submitted to vote.

SECTION 5. Before issuing said bonds, the council shall submit the question of issuing the same, to the qualified electors of said city, at some special or general election, as the

council may determine in either case by giving notice thereof for ten days previous thereto, by publication in two newspapers published in, or of general circulation in said city. The tickets shall have written or printed thereon, the words: "Issue of bonds for sewerage—Yes—No." If three-fifths of those voting upon the proposition at such election shall be in favor of issuing of said bonds, then, and then only shall said council be authorized to issue said bonds as hereinbefore provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
259G

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[House Bill No. 1772.]

AN ACT

To authorize the council of any village having a population at the last federal census of not less than four hundred and ninety-five nor more than five hundred and five to transfer certain funds.

Certain village (Convoy) authorized to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any village having a population at the last federal census of not less than four hundred and ninety-five nor more than five hundred and five is hereby authorized annually to transfer six hundred dollars ($600) from the police fund to the street fund, and seventy-five dollars ($75.00) from the sanitary to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891
260G

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[House Bill No. 1790.]

AN ACT

Authorizing and requiring the transfer of certain funds in cities of the first grade of the first class.

Auditor of city first class, first grade (Cincinnati), directed to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the city auditor of any such city be and is hereby authorized and required, on receipt of notification from the board of police commissioners of such city, that such sum will be necessary in addition to the amount already allowed by ordinance, to meet the requirements of the police department of such city

during the year 1891, to transfer from the contingent account of the general fund of such city to the watch fund of such city, a sum not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
261G

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[House Bill No. 1428.]

## AN ACT

Providing for the election of a board of trustees of the general improvement funds in certain villages, and defining the duties of the same.

Trustees of general improvement funds in villages of certain county (Cuyahoga).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in incorporated villages in counties containing a city of the second grade of the first class the council may elect a board to be designated as the trustees of the general improvement funds of said village, composed of three citizens thereof. At the first election of trustees one shall be chosen to serve one year, one two years, and one three years, and all trustees thereafter elected shall serve for three years, except in case of vacancies which shall be filled for the unexpired term. Said trustees shall serve without compensation.

Bond.

SECTION 2. Before any person elected as a member of said board assumes the duties of his office, he shall give bond in a sum to be fixed by and to the council of said village, faithfully to discharge such duties.

Organization.

SECTION 3. The trustees shall, immediately after their election and qualification, organize by electing one of their number as president; the clerk of the village shall act as secretary; and the office of the board shall be in some place provided by the council of the village.

Meetings.

SECTION 4. Regular meetings of the board shall be held on the third Monday in April in each year; but meetings may be called by the president, or any two members of the board; the proceedings shall be recorded in a journal kept for that purpose, which shall at all times be open to the public; and all questions relating to the purchase or sale of securities, or the payment of bonds or interest shall be decided by a viva voce vote, with the name of each member voting recorded on the journal, and no question shall be decided unless approved by a majority of the whole board.

Record of bonds.

SECTION 5. The clerk of the village shall, upon demand of the board, report to it a full and detailed statement of the outstanding bonds of said village, issued to pay for special improvements therein, and the board shall take charge of and keep a full record of the same, and report to the council at least once a year, a full and detailed statement of the same,

together with a statement of their investments, which shall be reported in the annual reports.

Trustees to be custodians of improvement funds.

SECTION 6. The clerk of the village shall, upon demand of the board, report to it the balances belonging to the village, to the credit of any of the special improvement funds of said village; and all officers or persons having the same shall immediately pay the same over to the said trustees, who shall deposit them in such place as the majority of the board may select, giving preference at all times to banks paying interest upon money deposited therein.

Deposit of money.

Money to be invested in interest-bearing bonds.

SECTION 7. The said trustees shall invest all moneys received by them in bonds of the United States, the state of Ohio, or in bonds of counties, townships, boards of education or municipal corporations within this state which have never made default in the payment of their interest; and they shall give preference to the special improvement bonds of their own village when they can be purchased at a price equal to or less than the bonds of the United States or of the state of Ohio, taking into consideration the rate of interest paid on each; all interest received by them shall be re-invested in like manner; at no time shall there be over three thousand dollars kept on deposit in any bank or banks if investment can be made.

Payment of interest, and redemption of bonds.

SECTION 8. The trustees shall provide for the payment of all interest on the special improvement bonds of the village and for the redemption of such bonds falling due, and for such purpose only, may sell or use any of the securities or money in their possession; and all bonds redeemed by them shall have written conspicuously in red ink, across the face thereof, the following words: "This bond is canceled."

How money to be drawn from bank, etc.

SECTION 9. Money shall be drawn from bank by check only, signed by the president of the board, and attested by the clerk and at least one other member of the board; all securities or evidences of debt held by the board for the village shall be deposited in the vault of some safety deposit company within a city in said county, or if none exists therein, or they shall be deemed more secure in a vault which shall be especially provided by said board in some place of safety; and when so deposited, they shall be drawn only upon the written application of two members of said board, and in the presence of at least one member thereof.

SECTION 10. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
262G

[House Bill No. 1505.]

## AN ACT

**To provide for the appointment of an inspector of stationary boilers in cities of the second grade, first class.**

Inspector of boilers in certain cities (Cleveland): how appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the director of fire service of any city of the second grade of the first class is authorized to appoint, subject to the confirmation of the common council of such city, one person who shall be known as inspector of boilers, who shall hold such office for the term of two years from and after the date of his appointment, subject to the provisions and stipulations of this act hereinafter set forth and until his successor is duly appointed and qualified; but may be removed by said director of fire service for malfeasance, misfeasance or non-feasance in office.

Removal.

Salaries.

SECTION 2. Said inspector shall receive an annual salary not to exceed $1,800.00, which shall be in full for all services to be performed by him; the common council may provide, by ordinance, that said inspector shall have two or more assistant inspectors, as may be required, at a salary not to exceed $1,200.00 per annum, each; said salaries payable as the salaries of other city officers; said assistant inspectors each to hold his office during the pleasure of said inspector of boilers. It is further provided that said inspector of boilers and each of his assistants must be practical boiler-makers. Said inspector of boilers shall, before he enters upon the duties of his office, take and subscribe an oath to faithfully and impartially execute the duties of his office, and shall give bond in the sum of $5,000.00, with two or more sufficient sureties, to be approved by the city solicitor, conditional for the faithful performance of his duties; and shall devote his entire time to the same.

Qualifications.

Oath and bond.

Record of certificates issued and boilers inspected: where kept, etc.

SECTION 3. The said inspector shall be furnished an office in the city hall or such other place as shall be provided by the said council, where it shall be his duty to keep a record of all the certificates issued; which shall be regularly numbered in the order of their issue, and also a record of the statement upon which the certificates are issued, and shall report the same annually, upon the second Monday of April, to said director of fire service; he shall also keep a record of the number, description, class and size of every boiler inspected for which certificates were issued, and shall report the same to the director of fire service annually. He shall also file a monthly report, made under oath to the director of fire service, on or before the 10th day of each month, for the month preceding, of the number of certificates issued and money received; and for the purpose of keeping said records he shall be allowed one clerk, at a salary not to exceed $1,200.00 per annum, which said amount shall be paid to him as in the case of said inspector and his assistants.

Clerk.

Duties of inspector and assistants; fees.

SECTION 4. It shall be the duty of said inspector and his assistants to inspect all stationary boilers in said city, giving to each both internal and external examination, when

practicable, at least once a year; and he shall charge and receive for the same, an amount, in each case, to be fixed by ordinance by said council; which amount shall be collected by said inspector and his assistants from the persons owning and operating said boilers before granting to them the certificate hereinafter provided for, which said amounts shall be paid into the treasury of said city at stated intervals, to be provided by ordinance by said council.

Granting of certificate.

SECTION 5. If upon such examination, said inspector shall find a boiler worthy and in good working order, and that the laws and ordinances of said city, in respect thereto, have been complied with, he shall grant to the owner or operator of said boiler, a certificate; and he shall thereupon, use and operate the same. And if, on said examination, said inspector should be of opinion that the owner or operator of said boiler is putting too much pressure on the same, he shall have power to fix the maximun pressure to be carried by said boiler and shall adopt such device as he shall deem expedient to prevent them from carrying any greater amount; the same to consist of a seal or lock, to be approved of by said council and for tampering or interfering in any way with the same, there shall be affixed a penalty not to exceed $500.00, or imprisonment for a period not to exceed six months, or both, at the discretion of the court.

Regulation of steam pressure.

Penalty.

Refusal of certificate.

SECTION 6. If, upon said inspection, any boiler is found to be defective and unfit for use, said inspector shall refuse to grant his certificate for the use and operation of the same, until it shall be put in proper order, to his satisfaction; and any person guilty of operating any boiler so condemned without the certificate or consent of said inspector, shall be deemed guilty of a misdemeanor, and fined in any sum not to exceed $500.00, or imprisoned for a period not to exceed six months, or both, as aforesaid.

Penalty.

Police force to enumerate steam boilers.

SECTION 7. For the purpose of facilitating the discharge of the duties hereby made incumbent on said inspector and his assistants, it shall be the duty of the chief of police of said city, to require the patrolmen on their several beats, to make an enumeration of all stationary boilers within 30 days after the appointment and qualification of said inspector, and report the same to said chief of police, who shall, in turn, report the same to said inspector of boilers. And any owner or operator of any such boiler who willfully conceals it from such patrolman, or refuses to give information as to the location of the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $25.00.

Penalty.

SECTION 8. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
263G

[House Bill No. 1436.]

## AN ACT

**Supplementary to section 3375 of the Revised Statutes.**

Railroad companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 3375 of the Revised Statutes of Ohio:

Physicians may ride on freight trains in certain cases.

Sec. 3375*a*. Physicians in the discharge of professional duties shall be permitted to ride, at their own risk upon freight trains between stations, where such trains stop, paying therefor the regular passenger fare.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
264G

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[Senate Bill No. 191.]

## AN ACT

**To amend section 440 of the Revised Statutes of Ohio, as amended April 15, 1889 (O. L., vol. 86, pp. 372, 373).**

Supreme court:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four hundred and forty of the Revised Statutes of Ohio, as amended April 15, 1889 (O. L., vol. 86, pp. 372, 373), be amended so as to read as follows:

Order in which cases may be docketed and heard.

Sec. 440. All cases brought in or taken to the court shall be entered on the docket in the order in which they are commenced, received or filed, and they shall be taken up and disposed of in the same order, except that the court may take up and dispose of the following classes of cases in advance of their order on the docket: Cases where the persons seeking relief have been convicted of felony; cases involving the validity of any tax levied or assessment made, or the power to make such levy or assessment; cases involving the construction or constitutionality of any statute, or any question of practice, where the questions arising are of general public interest; and proceedings in quo warranto, mandamus, procedendo, or habeas corpus; and cases of general interest to the public, where two or more of the circuit courts of the state have held the law directly opposite upon like facts; where the relief sought is damages for personal injury, or for death caused by negligence, and the person injured makes affidavit that he is, or, in case of death, the widow, or any of the next of kin to the deceased, makes affidavit that they are dependent for their livelihood upon their daily labor; and all cases in which any trust fund for the care, support or education of any minor or care or support of any imbecile person is in question, and when any case is reached in its

order, and there are other cases on the docket involving the same question, or some of them, the latter may be taken out of their order and disposed of with the case so reached; and when a case is disposed of, and again comes into court, it shall be taken up as if it had its original place on the docket. Provided, that in all cases on the docket of said court where there is involved the construction of the statutes, or any of them providing for the annexation of territory to a municipal corporation, the court may take up and advance said cases out of their order on the application [of] either party. And this section shall apply to all actions now pending as well as those hereafter to be brought.

Repeals.

SECTION 2. That said original section 440, as amended, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
265G

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[Senate Bill No. 440.]

AN ACT

To change the name of the intermediate penitentiary to that of the Ohio state reformatory, and to organize and govern the same, and to repeal a certain act therein named.

Ohio state reformatory: name of intermediate penitentiary changed to: board of managers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of the intermediate penitentiary be changed to that of the Ohio state reformatory, the government and control of the said Ohio state reformatory and of the prisoners sentenced thereto, shall be vested in a board of managers to consist of six (6) members, and not more than three (3) members of said board at any time shall belong to the same political party, to be appointed by the governor, by and with the advice and consent of the senate, one to serve one year, one two years, one three years, one four years, one five years and one six years, as may be designated by the governor at the time of their appointment; and at the expiration of the term of office of each member of the board, his successor shall be appointed in the manner and by the authority as hereinbefore provided for the term of six years. Whenever a vacancy occurs in the board of managers otherwise than by the expiration of the term of office of a manager, such vacancy shall be filled by appointment by the governor for the unexpired term, by and with the advice and consent of the senate; provided, that the governor may remove any of the managers for misconduct or neglect of duty, after an opportunity to be heard upon written charges. Such board shall have general charge and supervision of said Ohio state reformatory, and shall conduct the same strictly upon non-partisan principles; they shall have no compensa-

tion for their services, but they shall be allowed their reasonable traveling and other official expenses, not exceeding $500.00 per year, each, payable monthly.

Meetings and organization of board.

SECTION 2. Immediately after their appointment and confirmation, as herein provided, the board of managers shall convene in the city of Mansfield. The president of the board shall be the member having the shortest term to serve; four members of the board shall constitute a quorum for the organization of the board and for the transaction of all business. The managers shall give so much of their time and attention to the affairs of the penitentiary as shall insure the wise, efficient, and faithful management thereof. The managers shall examine the books and accounts of the Ohio state reformatory as kept by the officers thereof, once in each month, and shall audit all claims against the same, and shall file with the auditor of state a monthly statement of all financial transactions of the institution, showing in detail all moneys received and paid out, from whom received and to whom paid, which statement shall be open to public inspection, and shall make an annual report thereof to the governor on or before the 15th day of November, each year; and in said annual report the board shall give a classification of all the prisoners, showing their ages, term of sentence, offense committed, cause of crime, habits, education and industrial training and pursuits, and such other information and recommendations as they may deem best for the information of the legislature. The board shall prepare rules for its own government and for the government of the Ohio state reformatory, in accordance with the provisions of this act and subject to the approval of the governor.

Duties of board.

Annual report.

Superintendent.

SECTION 3. The board of managers as soon as they may deem it necessary, shall appoint as superintendent a person who possesses the ability and qualifications to successfully carry on the industries of the reformatory, and who possesses the executive ability essential for the proper management of the officers and other employes under his jurisdiction, and to enforce and maintain proper discipline in every department; said superintendent shall hold his office during the pleasure of the board, subject to removal for cause after opportunity shall have been given him to be heard upon written charges; and any vacancy shall be filled by appointment by such board, as hereinbefore provided. They shall also appoint a physician and surgeon-in-chief and the necessary medical assistance, including a druggist, and assign to them the necessary office room, furniture and fuel, and provide them with necessary drugs and instruments and fix the salaries and duties of said officers who shall serve during the pleasure of the board.

Physician and assistants.

Subordinate officials and employes.

SECTION 4. It shall be the duty of the superintendent, as the necessity arises, to appoint such subordinate officers and other employes as the number of prisoners may from time to time require; and such officers and employes shall receive, as compensation, salaries not to exceed those now provided by law for similar services by officers and employes performing like duties in the Ohio penitentiary.

Salary, etc., of superintendent.

SECTION 5. The superintendent shall receive an annual salary to be fixed by the board of managers, payable by the treasurer of the state, on the warrant of the auditor, in equal monthly installments; and shall be furnished the necessary fuel and provisions for himself and family under the direction of the board.

Bond.

He shall give bond, with good and sufficient sureties, approved by the governor, in the sum of twenty-five thousand dollars, conditioned upon the faithful discharge of duty. Said bond shall be drawn by the attorney-general and deposited with the secretary of state.

Chaplain: duties, compensation, etc.

The said board of managers shall also appoint a chaplain for said Ohio state reformatory, who, in addition to the duties usually performed by such an officer, and in addition to such others as may be prescribed by the board of managers, shall make special observation and reports in connection with the superintendent, of the conduct, moral character and standing of the prisoners, as relating to their eligibility for parole as provided in section 12 of this act. He shall receive as compensation for his services a sum to be fixed by the managers, and shall be assigned suitable office room quarters in said reformatory, by the board of managers, with the necessary furniture and fuel, and provisions for himself and family. And he shall devote his entire time to the duties of his office.

Certain labor to be performed by inmates; transfer of prisoners.

SECTION 6. The labor necessary for the construction of shops and the inclosure of the grounds of the said reformatory shall be performed by the inmates as far as practicable; and it shall be the duty of the managers of the Ohio penitentiary at Columbus to select such number of inmates from said penitentiary, subject to the approval of the managers of the Ohio state reformatory, as shall, as nearly as may be, come within the requirements of the seventh section of this act as to age and crime, and transfer the same to the Ohio state reformatory, when requested by the board of managers thereof.

Who may be received at reformatory.

SECTION 7. The said board of managers shall receive all male criminals between the ages of sixteen and thirty, and not known to have been previously sentenced to a state prison in this or any other state, who shall be legally sentenced to said Ohio state reformatory, on conviction of any criminal offense in any court having jurisdiction thereof, and any such court may, in its discretion, sentence to said Ohio state reformatory any such male person convicted of a crime, punishable by imprisonment in the Ohio penitentiary, between the ages of sixteen and thirty, as aforesaid; provided, that no person convicted of murder in the first or second degree shall be sentenced or transferred to said reformatory.

Discipline to be reformatory.

SECTION 8. The discipline to be observed in said Ohio state reformatory shall be reformatory and the managers shall have power to employ such means of reformation for the improvement of the inmates as they may deem expedient. The labor imposed upon the inmates, or industrial pursuits prescribed for the employment of their time, shall also be at the discretion of the board of managers, except that what is known as the contract system of prison labor shall not be employed.

Contract system not to be employed.

Application of existing laws.

SECTION 9. All provisions of existing laws requiring the courts of this state to sentence male criminals between the ages of sixteen and thirty, convicted of any criminal offense, to the Ohio penitentiary shall, from and after the appointment and confirmation of the board of managers provided for by section 1 of this act, apply to said Ohio state reformatory, so far as to enable courts to sentence the class of prisoners mentioned in the seventh section of this act to said Ohio state reformatory.

Sentences to reformatory to be general, etc.

SECTION 10. Every sentence to the Ohio state reformatory of a person hereafter convicted of a felony, shall be a general sentence to imprisonment in the Ohio state reformatory at Mansfield, and the courts of this state imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the managers of the state reformatory, as authorized by this act, but such imprisonment shall not exceed the maximum, nor be less than the minimum, term provided by law for the crime for which the person was convicted; and all such prisoners shall be conveyed to said reformatory in accordance with such orders, rules and regulations as the board of managers and superintendent thereof may establish; and the clerks of courts shall notify said board of managers and superintendent, of sentences to said Ohio reformatory the same as now provided by section 6 of this [the] act passed March 24, 1884; and after such notification all sheriffs shall deliver up to the said board of managers, or its representatives, on their demand, under the rules so prescribed by them, the custody of any person so sentenced as is now provided by law for the conveyance of prisoners to the Ohio penitentiary.

Transfer of prisoners to Ohio penitentiary.

SECTION 11. The board of managers shall have power to transfer, with the written consent of the governor of the state, to the Ohio penitentiary, any prisoner, who subsequent to his committal, shall be shown to have been, at the time of his conviction, more than thirty years of age, or to have been previously convicted of crime, and may also so transfer any apparently incorrigible prisoner whose presence in the Ohio state reformatory appears to be seriously detrimental to the well-being of the institution.

Parole of prisoners.

SECTION 12. The said board of managers shall also have power to establish rules and regulations under which prisoners within the Ohio state reformatory may be allowed to go upon parole in the legal custody and under the control of the board of managers, and subject at any time to be taken back within the enclosure of said reformatory; but no prisoner shall be considered eligible for parole, and no application for parole shall be considered by the board of managers until such prisoner is recommended as worthy of such consideration by the superintendent and chaplain of the reformatory; and before consideration by the board of managers notice of such recommendation shall be published for three successive weeks in two papers of opposite politics, in the county from

which such prisoner was sentenced; provided, the expense of such publication shall not exceed one dollar to each paper, and in no case shall any prisoner be released, either conditionally or absolutely, unless there is, in the judgment of the managers, reasonable ground to believe that he will, if released, live and remain at liberty without violating the law; and that his release is not incompatible with the welfare of society; and such judgment shall be based upon the record and character of the prisoner established in prison; and no petition or other form of application for the release of any prisoner shall be entertained by the managers, and no attorneys or outside person of any kind shall be allowed to appear before the board of managers as applicants for the parole of a prisoner; but these requirements shall not prevent the board of managers from making such inquiries as they may deem desirable in regard to the previous history or environments of such prisoner, or as to his probable surrounding if paroled, but such inquiries shall be instituted by the prison managers themselves, and all information thus received shall be considered and treated as confidential.

Return of paroled prisoners to reformatory.

SECTION 13. The said board of managers shall have full power to enforce such rules and regulations, and [to] retake and to re-imprison any convict so upon parole, and their written order certified by its secretary shall be sufficient warrant for all officers named in it to authorize such officers to arrest and return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers named in such order to arrest and return to actual custody any conditionally released or paroled prisoner; and the said board of managers shall have power to make all rules and regulations necessary and proper for the employment, discipline, instruction and education, removal and temporary or conditional release and return as aforesaid of all convicts in said Ohio state reformatory.

When prisoners shall be transferred from Ohio penitentiary, etc.

SECTION 14. Whenever the board of managers shall have so far completed the construction of any of the buildings and cells of said Ohio state reformatory [so] as to properly accommodate and safely keep any desired number of convicts whose labor may be profitably employed in and upon the grounds and buildings of said reformatory, they shall have authority to make requisitions upon the managers of the Ohio penitentiary, who shall select the number required, from the youthful, well behaved and most trusty class of convicts, whose record shall be subject to the approval of said board making such requisition, and transfer them to said reformatory for such purpose of labor education and treatment, under the rules and regulations thereof; and the board of managers are hereby authorized to receive and detain during the term of their sentence to the Ohio penitentiary, such prisoners so transferred; and the laws applicable to convicts in the Ohio penitentiary so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when transferred under this section; said managers also, upon the order of the governor, shall receive from the Ohio industrial school for boys such of its in-

mates as he may deem advisable to transfer to the Ohio state reformatory, and hereafter no prisoner shall be transferred from the Ohio penitentiary to the boys' industrial school.

Control of prisoners, etc.

SECTION 15. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. When any prisoner shall be received into the Ohio state reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of said admission, the name, age, nativity, and nationality, with such facts as can be ascertained of parentage, of early education and social influences as seem to indicate the constitutional defects and tendencies of the prisoner, and the best probable plan of treatment. Upon such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character, and notes as to methods and treatment employed; also all orders or alterations affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to their knowledge.

System of marks or credits.

SECTION 16. The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks, or what credit shall be earned by each prisoner sentenced under the provisions of this act, as to the condition of increased privilege, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor or study, and for results accomplished, and recharged for derelictions, negligences, or offenses. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener if he shall at any time request it, and may make provisions by which any prisoner may see and converse with some one of the managers during every month. When it appears to said managers that there is a strong or reasonable probability that any prisoner may live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall certify the fact of such release and the grounds thereof to the governor, and the governor may thereupon, in his discretion, restore such person to citizenship; but no petition or other form of application for the release or parole of any prisoner shall be entertained or received by the managers. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case.

When prisoner shall be recommended for release.

Sentence to reformatory for definite period.

SECTION 17. If through oversight, or otherwise, any person be sentenced to imprisonment in said Ohio state reformatory for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent as if sentence had been in the terms required by section 10 of this act, and

in such case said managers shall deliver to such offender a copy of this act and written information of his relation to said managers.

Repeals, and amendment.

SECTION 18. That the act entitled "An act to establish [an] intermediate penitentiary, and to provide a board of managers to locate, construct and manage the same," passed April 14, 1884, is hereby repealed saving and excepting section 1 of said act, which is hereby amended so as to read as follows:

Ohio state reformatory.

Sec. 1. That there shall be established at or near the city of Mansfield in the county of Richland an institution which shall be known as the Ohio state reformatory, for incarceration of such persons convicted and sentenced under the laws of Ohio, as have not previously been sentenced to a state penitentiary in this or any other state or county [country]. And said original section 1 is hereby repealed.

Repeals.

SECTION 19. That "An act to amend sections 4 and 5 of an act passed April 14, 1884" (O. L. vol. 81, p. 206) passed February 26, 1889 (O. L. vol. 86, p. 57) and "An act to amend section (7388—18) of the Revised Statutes, being section 3 of an act to establish an intermediate penitentiary, and to provide for the appointment of a board of managers to locate, construct and manage the same," passed April 18, 1890 (O. L. vol. 87, p. 226), be and the same are hereby repealed.

SECTION 20. This act shall take effect on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
266G

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[Senate Bill No. 478.]

AN ACT

To provide for the payment of publishing the constitutional amendments not heretofore paid.

Appropriation for C. M. Tolan.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, a sum not to exceed one hundred and seventy-four dollars and eighty-two cents ($174.82), for the purpose of paying C. M. Tolan for the publication of the proposed constitutional amendments provided for by the act passed April 15, 1889 (O. L., pp. 321 and 322); the same shall be paid in accordance with section 5 of said act, upon the warrant of the auditor of state, upon a voucher approved by the supervisor of public printing.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
267G

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[Senate Bill No. 672.]

AN ACT

To amend section 2502 of the Revised Statutes as amended March 20, 1884.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2502 of the Revised Statutes, as amended March 20, 1884, be and the same is hereby amended so as to read as follows:

Railways in corporate limits:

Sec. 2502. Nothing mentioned in the next preceding section shall be done; no ordinance or resolution to establish or define a street railroad route shall be passed, and no action inviting proposals to construct and operate such railroad shall be taken by the council, except upon the recommendation of the board of public works in cities having such a board, and of the board of improvements in other municipalities having such a board; and no ordinance for the purpose specified in said preceding section shall be passed until public notice of the application therefor has been given by the clerk of the corporation in one or more of the daily papers, if there be such, and if not then in one or more weekly papers published in the corporation, for the period of at least three consecutive weeks; and no such grant as mentioned in said preceding section shall be made, except to the corporation, individual or individuals, that will agree to carry passengers upon such proposed railroad at the lowest rates of fare, and shall have previously obtained the written consent of a majority of the property-holders upon each street or part thereof, on the line of the proposed street railroad, represented by the feet front of the property abutting on the several streets along which such road is proposed to be constructed; provided, that no grant nor renewal of any grant for the construction or operation of any street railroad, shall be valid for a greater period than twenty-five years from the date of such grant or renewal, except in cities of the second grade of the second class, in which no grant nor renewal of any grant for the construction or operation of any street railroad, shall be valid for a greater period than fifty years from the date of such grant or renewal; and after such grant or renewal of a grant is made, whether by special or general ordinance, the municipal corporation shall not, during the term of such grant or renewal, release the grantee from any obligation or liability imposed by the terms of such grant or renewal of a grant.

Proceedings to establish street railroad route.

Period for which grant or renewal may be made.

Repeals.

SECTION 2. That section 2502 of the Revised Statutes, as amended March 20, 1884, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
268G

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[Senate Bill No. 132.]

AN ACT

To authorize the construction of subways and under-ground conduits in which to place electric wires, cables and other electrical conductors in cities of the first grade of the first class.

Subways and under-ground conduits for electric wires, etc., in certain cities (Cincinnati).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company organized for the purpose of constructing subways, laying pipes and operating under-ground conduits in any city of the first grade of the first class, in which to place and maintain electric cables, wires and other conductors for conveying electric currents for any purpose, may construct such subways and under-ground conduits through the streets, avenues, sidewalks, alleys, lanes, lands, squares and public places of such city, and maintain such subways and conduits, together with necessary man-holes, junction-boxes, connection-boxes, feeders, pipes and connections to and from such subways and conduits, and all such other necessary fixtures and appliances for placing and safely carrying electricity or electrical conductors beneath the surface of the streets, avenues, sidewalks, alleys, lanes, lands, squares and public places of any such city.

Permission for construction of, etc.: by whom granted.

SECTION 2. In cities of the first grade of the first class, the board of public improvements and their successors in office of any such city shall have authority in case such city should not construct its own system of subways (and in the event it does, the board of public improvements or their successors in office shall have power to contract for the construction of the same), to grant to any person, company or corporation organized for the purpose of constructing subways, laying pipes and operating under-ground conduits in which to place and maintain electric cables, wires and other necessary appliances for conveying electric currents, permission and authority to construct and operate such subways and under-ground conduits through the streets, avenues, sidewalks, alleys, lands, squares and public places of such city, with the necessary man-holes, junction-boxes, connecting-boxes, feeders, pipes and other connections and appliances; and it shall be unlawful for any such company to enter upon the construction of any such work, or to open or take up the pavements of the streets, or to make any excavations in any of said streets, avenues, sidewalks or other public ways of said city until it has first obtained authority so to do from the board of public improvements or their

successors in office in cities of the first grade of the first class; and any such person, company or corporation operating or maintaining the same shall be subject to such reasonable regulations as the board of public improvements or their successors in office in cities of the first grade of the first class shall make concerning the construction and use of said subways and conduits, and the time, manner and mode of placing wires, cables and other electrical conductors therein. And it is hereby made the duty of the board of public improvements or their successors in office to adopt and enforce such rules and regulations so as to secure the construction of said subways and underground conduits in the most approved manner, for the safety of persons and property adjacent to and connected with said subways and under-ground conduits[;] such construction shall be under the control and subject to the approval of the chief engineer of the board of public improvements or their successors in office and the fact that such approved and safe construction has actually taken place, shall be certified to in writing by the said engineer before any use shall be made of the same. Provided, however, that no such permission and authority hereinbefore referred [to] shall be granted by said board of city affairs to any such company until said board shall have advertised in some paper of general circulation in such city on at least one day of each week, for four consecutive weeks, for bids for the grant of such permission and authority, and no such grant shall be made except to the highest bidder, nor for a less compensation to the city than the annual sum of one per cent. of the gross proceeds resulting from the operation of said subways, to be paid for such grant and for the purpose of keeping in repair the streets, sidewalks and other places wherein such subways are constructed and operated; and but one such company shall be authorized, in any case to open up the streets for such purpose or to construct, own and operate subways in which to place electric wires, and all such wires except telegraph and telephone wires shall be required to be laid in one general subway constructed for the purpose; and said board shall have the right to reject any and all bids. Provided, that nothing in this act contained shall be constructed [construed] so as to authorize or require the placing of telegraph or telephone wires or conductors in the same conduit or conduits with electric light, power or railway wires, or conductors, or so as to prevent the granting by municipalities of the power to place telephone or telegraph wires or conductors in a separate conduit in the streets to be constructed for that purpose. And provided further, that nothing herein contained shall be so construed as to conflict with any orders made by the probate court of any county, containing a city of the first grade of the first class, for maintaining overhead or under-ground wires or conduits, for furnishing electric light, heat or power, where investments are made on the faith of the same; but all such orders of the court shall be valid and binding upon all parties thereto and their successors and assigns.

Regulations governing construction, etc.

SECTION 3. Nothing herein contained, however, shall authorize any person, company or corporation to construct

Bond for restoration of streets, etc.

such subways or conduits or to excavate any portion of any street, sidewalk or other public way of any such city, until such person, company or corporation has first executed a bond in the sum of two hundred and fifty thousand dollars, conditioned to restore such streets, sidewalks and other public ways to their original state of usefulness, and to keep the same in repair to the satisfaction of the board of public improvements or their successors in office, and its chief engineer for a period of five years from and after such restoration thereof. The board of public improvements or their successors in office in cities of the first grade of the first class in which such subways may be constructed, shall have power to fix the rental to be charged by persons, companies or corporations owning or operating such subways for the use and occupation of such subways or conduits by electric companies or companies using or supplying electricity for any purpose, and shall estimate the same upon a percentage based on the amount invested in the construction, maintenance and operation of said subways and underground conduits.

How rental fixed.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
269G

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[Senate Bill No. 291.]

AN ACT

To amend section one of the act prescribing the mode of applying for pardons, commutations of sentence and reprieves and amendatory to sections 86, 87, 91 and 92 of the Revised Statutes of Ohio, passed April 11, 1888, O. L. vol. 85, page 188.

Pardons, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act prescribing the mode of applying for pardons, commutations of sentence and reprieves, and amendatory to sections 86, 87, 91 and 92 of the Revised Statutes of Ohio, passed April 11, 1888, be so amended as to read as follows:

Ohio state board of pardons: appointment of members.

Sec. 1. That within fifteen days after the passage of this act, the governor shall nominate, and by and with the consent and advice of the senate appoint, from different parts of the state, four suitable persons having the qualifications of electors, not more than two of whom shall be appointed from the same political party, who, when organized, shall be known as the "Ohio state board of pardons." Two of the members thereof, appointed from the same political party, shall serve for two and four years, respectively, and two of the members thereof, appointed from another political party, shall serve for two and four years, respectively, and shall serve until their successors shall be appointed and qualified. Annually thereafter the governor shall, in like manner, appoint a mem-

ber of said board, of like qualification, and from the same political party as the member whom he succeeds, who shall serve for four years, and until his successor is appointed and qualified. And the governor shall, in like manner, fill all vacancies in said board by appointing, for the unexpired terms, members thereof from the same political party as those whom they succeed. Each member of said board shall receive as compensation for his services, as such member, the sum of ten dollars per day, not to exceed, however, seventy-five days in each year, for the time actually and necessarily employed; which said sum shall include all traveling, hotel and other necessary expenses of said member, and there is hereby appropriated out of any moneys to the credit of the general revenue fund not otherwise appropriated, the sum of three thousand dollars, for such purpose. The said four persons first appointed under the provisions of this act, having first taken oath of office prescribed by the constitution of the state for state officers, and being duly commissioned, shall, within twenty days after their appointment, meet and organize by electing one of their number president. It is hereby made the duty of the executive clerk of the governor to act as secretary of said board, and as compensation for his services he shall receive, in addition to the amount now paid to him as such executive clerk of the governor, the sum of three hundred dollars, and no more.

Compensation.

Oath.

President and secretary.

SECTION 2. That said original section one be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
270G

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[ Senate Bill No. 292. ]

AN ACT

To repeal section 23 of an act to provide a license on trades, business and professions carried on in cities of the first grade of the first class and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section numbered twenty-three of the above named act be and is hereby repealed.

Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
271G

such subways or conduits or to excavate any portion of any street, sidewalk or other public way of any such city, until such person, company or corporation has first executed a bond in the sum of two hundred and fifty thousand dollars, conditioned to restore such streets, sidewalks and other public ways to their original state of usefulness, and to keep the same in repair to the satisfaction of the board of public improvements or their successors in office, and its chief engineer for a period of five years from and after such restoration thereof. The board of public improvements or their successors in office in cities of the first grade of the first class in which such subways may be constructed, shall have power to fix the rental to be charged by persons, companies or corporations owning or operating such subways for the use and occupation of such subways or conduits by electric companies or companies using or supplying electricity for any purpose, and shall estimate the same upon a percentage based on the amount invested in the construction, maintenance and operation of said subways and underground conduits.

How rental fixed.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
269G

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[Senate Bill No. 291.]

AN ACT

To amend section one of the act prescribing the mode of applying for pardons, commutations of sentence and reprieves and amendatory to sections 86, 87, 91 and 92 of the Revised Statutes of Ohio, passed April 11, 1888, O. L. vol. 85, page 188.

Pardons, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act prescribing the mode of applying for pardons, commutations of sentence and reprieves, and amendatory to sections 86, 87, 91 and 92 of the Revised Statutes of Ohio, passed April 11, 1888, be so amended as to read as follows:

Ohio state board of pardons: appointment of members.

Sec. 1. That within fifteen days after the passage of this act, the governor shall nominate, and by and with the consent and advice of the senate appoint, from different parts of the state, four suitable persons having the qualifications of electors, not more than two of whom shall be appointed from the same political party, who, when organized, shall be known as the "Ohio state board of pardons." Two of the members thereof, appointed from the same political party, shall serve for two and four years, respectively, and two of the members thereof, appointed from another political party, shall serve for two and four years, respectively, and shall serve until their successors shall be appointed and qualified. Annually thereafter the governor shall, in like manner, appoint a mem-

ber of said board, of like qualification, and from the same political party as the member whom he succeeds, who shall serve for four years, and until his successor is appointed and qualified. And the governor shall, in like manner, fill all vacancies in said board by appointing, for the unexpired terms, members thereof from the same political party as those whom they succeed. Each member of said board shall receive as compensation for his services, as such member, the sum of ten dollars per day, not to exceed, however, seventy-five days in each year, for the time actually and necessarily employed; which said sum shall include all traveling, hotel and other necessary expenses of said member, and there is hereby appropriated out of any moneys to the credit of the general revenue fund not otherwise appropriated, the sum of three thousand dollars, for such purpose. The said four persons first appointed under the provisions of this act, having first taken oath of office prescribed by the constitution of the state for state officers, and being duly commissioned, shall, within twenty days after their appointment, meet and organize by electing one of their number president. It is hereby made the duty of the executive clerk of the governor to act as secretary of said board, and as compensation for his services he shall receive, in addition to the amount now paid to him as such executive clerk of the governor, the sum of three hundred dollars, and no more.

Compensation.

Oath.

President and secretary.

SECTION 2. That said original section one be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
270G

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[ Senate Bill No. 292. ]

AN ACT

To repeal section 23 of an act to provide a license on trades, business and professions carried on in cities of the first grade of the first class and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section numbered twenty-three of the above named act be and is hereby repealed.

Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
271G

[Senate Bill No. 401.]

AN ACT

To amend section 553 of the Revised Statutes, as amended April 6, 1891

Provisions for courts of record:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fifty-three (553) of the Revised Statutes, as amended April 6, 1891, be and is hereby amended to read as follows:

Court constables: duties and compensation.

Sec. 553. The court of common pleas and circuit court in any county, and the superior court in any city or county, and the probate court in any county containing a city of the first class (except fourth grade), and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge such other duties as the court requires; and in any county containing a city of the second grade of the second class, the constables so appointed by the court of common pleas shall perform the same duties in the probate court; and each constable when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors, except in counties containing a city of the first grade of the first class and of the first grade of the second class, it shall be one thousand dollars ($1,000.00) per annum, and in counties containing cities of the second grade of the first class, it shall be six hundred dollars per annum, except the constable appointed by the probate court, whose compensation shall be eight hundred dollars per annum, and in all counties having a population of not less than 84,150 and not more than 84,250 at the federal census of 1890, it shall be $600 per annum, and in counties containing cities of the third grade of the first class, the compensation shall be at the rate of two dollars per day, during the entire term of the court, and in all cases shall be paid out of the county treasury on the order of the court.

Repeals, etc.

SECTION 2. That section 553 of the Revised Statutes, as amended April 6, 1891, be and the same is hereby repealed; and this act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Pased April 25, 1891.
272G

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[Senate Bill No. 633.]

AN ACT

Making it unlawful to permit stallions or jacks to serve mares within 30 feet of any public street or alley in any municipal corporation.

Unlawful to permit stallion or jack to

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any municipal corporation it shall be unlaw-

ful for the owner or agent thereof of any stallion or jack to permit any such stallion or jack to serve a mare within thirty feet of any public street or alley in any municipal corporation. Any person violating the provisions of this act shall be fined in any sum not exceeding twenty-five, nor less than five dollars, with costs to be collected as other fines and costs.

serve mare within thirty feet of street or alley.

Penalty.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
273G

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[Senate Bill No. 681.]

AN ACT

To authorize boards of education in city districts of the first grade of the first class to issue bonds, for the purpose of erecting additional school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That boards of education in city districts of the first grade of the first class be and they are hereby authorized and empowered to issue bonds for an amount not exceeding two hundred and fifty thousand ($250,000.00) dollars, payable at such time and place as the said boards may determine; provided, that said bonds shall be made payable in from one to not exceed twenty (20) years after the date of the issue thereof.

Boards of education in certain cities (Cincinnati) may issue bonds.

SECTION 2. Said bonds shall be issued by said boards and signed by the president and attested by the clerk thereof, who shall keep a record of the same, and shall be payable to the bearer, and shall bear interest at a rate not exceeding four (4) per cent. per annum, payable annually or semi-annually as said boards may deem best, and shall be in amount not less than one hundred ($100 00) dollars nor more than one thousand ($1,000.00) dollars each as said boards may determine. Said bonds shall not be sold for less than their par value, and then only to the highest bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to the purchase of the and and the erection of the necessary buildings thereon for said school purposes.

Sale of bonds, disposition of proceeds, etc.

SECTION 3. To provide for the redemption of said bonds and the payment of the interest thereon, said board of education shall annually set aside as a sinking fund a sum equal to five per cent. of the amount of said bonds together with the interest thereon; provided, however, that no additional levy shall be authorized for said purpose, but said bonds and the interest thereon shall be redeemed from a fund arising from the levy now allowed by law.

Redemption of bonds and payment of interest.

[Senate Bill No. 401.]

AN ACT

To amend section 553 of the Revised Statutes, as amended April 6, 1891

Provisions for courts of record:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fifty-three (553) of the Revised Statutes, as amended April 6, 1891, be and is hereby amended to read as follows:

Court constables: duties and compensation.

Sec. 553. The court of common pleas and circuit court in any county, and the superior court in any city or county, and the probate court in any county containing a city of the first class (except fourth grade), and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge such other duties as the court requires; and in any county containing a city of the second grade of the second class, the constables so appointed by the court of common pleas shall perform the same duties in the probate court; and each constable when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors, except in counties containing a city of the first grade of the first class and of the first grade of the second class, it shall be one thousand dollars ($1,000.00) per annum, and in counties containing cities of the second grade of the first class, it shall be six hundred dollars per annum, except the constable appointed by the probate court, whose compensation shall be eight hundred dollars per annum, and in all counties having a population of not less than 84,150 and not more than 84,250 at the federal census of 1890, it shall be $600 per annum, and in counties containing cities of the third grade of the first class, the compensation shall be at the rate of two dollars per day, during the entire term of the court, and in all cases shall be paid out of the county treasury on the order of the court.

Repeals, etc.

SECTION 2. That section 553 of the Revised Statutes, as amended April 6, 1891, be and the same is hereby repealed; and this act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Pased April 25, 1891.
272G

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[Senate Bill No. 633.]

AN ACT

Making it unlawful to permit stallions or jacks to serve mares within 30 feet of any public street or alley in any municipal corporation.

Unlawful to permit stallion or jack to

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any municipal corporation it shall be unlaw-

ful for the owner or agent thereof of any stallion or jack to permit any such stallion or jack to serve a mare within thirty feet of any public street or alley in any municipal corporation. Any person violating the provisions of this act shall be fined in any sum not exceeding twenty-five, nor less than five dollars, with costs to be collected as other fines and costs.

serve mare within thirty feet of street or alley.

Penalty.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
273G

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[Senate Bill No. 681.]

AN ACT

To authorize boards of education in city districts of the first grade of the first class to issue bonds, for the purpose of erecting additional school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That boards of education in city districts of the first grade of the first class be and they are hereby authorized and empowered to issue bonds for an amount not exceeding two hundred and fifty thousand ($250,000.00) dollars, payable at such time and place as the said boards may determine; provided, that said bonds shall be made payable in from one to not exceed twenty (20) years after the date of the issue thereof.

Boards of education in certain cities (Cincinnati) may issue bonds.

SECTION 2. Said bonds shall be issued by said boards and signed by the president and attested by the clerk thereof, who shall keep a record of the same, and shall be payable to the bearer, and shall bear interest at a rate not exceeding four (4) per cent. per annum, payable annually or semi-annually as said boards may deem best, and shall be in amount not less than one hundred ($100 00) dollars nor more than one thousand ($1,000.00) dollars each as said boards may determine. Said bonds shall not be sold for less than their par value, and then only to the highest bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to the purchase of the and and the erection of the necessary buildings thereon for said school purposes.

Sale of bonds, disposition of proceeds, etc.

SECTION 3. To provide for the redemption of said bonds and the payment of the interest thereon, said board of education shall annually set aside as a sinking fund a sum equal to five per cent. of the amount of said bonds together with the interest thereon; provided, however, that no additional levy shall be authorized for said purpose, but said bonds and the interest thereon shall be redeemed from a fund arising from the levy now allowed by law.

Redemption of bonds and payment of interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
274G

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[House Bill No. 251.]

AN ACT

To amend section 6986 of the Revised Statutes of Ohio.

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6986 of the Revised Statutes of Ohio, as amended April 27th, 1885 (82 O. L. 161), be so amended as to read as follows:

Forbidding employment of minors under fourteen years of age in manufactories or mines.

Sec. 6986. That no minor under the age of fourteen years shall be employed in any factory, workshop or establishment wherein the manufacture of any goods of any kind is carried on, or in any of the mines in this state; provided, that this act shall not apply to children more than twelve years of age laboring not more than eight hours per day during the time they are not required by law to attend school, in such manufacturing institutions and at such employment therein as the inspector of workshops and factories may find to be not detrimental to such child.

Repeals.

SECTION 2. Said section 6986, as amended April 27th, 1885, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after September 1, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
275G

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[House Bill No. 618.]

AN ACT

To provide for the state's share of an improved road leading by the girls' industrial home, in Delaware county, Ohio.

Appropriation for improvement of road in Delaware county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any moneys in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of five hundred and fifty dollars, for the purpose of defraying the state's share of the expense of constructing the Home and Kilbury improved road in said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
276G

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[House Bill No. 893.]

## AN ACT

To amend sections 4371 and 4373 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4371 and 4373 of the Revised Statutes of Ohio, be amended so as to read as follows: Mills:

Sec. 4371. The owner or occupier of a grist-mill may, if a water or steam mill, take for toll the one-tenth part of wheat, rye, or other grain, ground and bolted; and the one-twelfth part of all rye, malt or buckwheat, ground or chopped only; and the one-eighth part of all corn ground in such mill; if a horse-mill, and the proprietor thereof furnish the horses or team, he may take for toll one-fourth part of all grain ground, or ground or bolted, otherwise he shall be entitled only to the one-eighth part thereof. Any owner r occupier of a grist-mill or exchange store who refuses to return the product of a grist of wheat ground, less lawful toll, shall, in lieu thereof, return to his customers merchantable flour, shorts and bran for every bushel of merchantable wheat delivered to him as follows: For every bushel of merchantable wheat, weighing sixty or more pounds to the measured bushel, thirty-six pounds of No. one family flour and fourteen pounds of shorts and bran; for every bushel of merchantable wheat weighing less than sixty pounds and not less than fifty-nine pounds to the measured bushel, thirty-five pounds of No. one family flour and fourteen pounds of shorts and bran; for every bushel of merchantable wheat weighing fifty-eight pounds to the measured bushel, thirty-four pounds of No. one family flour, and fourteen pounds of shorts and bran. For every bushel of merchantable wheat weighing fifty-seven pounds to the measured bushel, thirty-three pounds of No. one family flour, and fourteen pounds of bran. Rates of toll.

Sec. 4373. Whoever takes a greater proportionate quantity of toll than is hereinbefore authorized shall be fined for every such offense in any sum not exceeding fifty dollars nor less than twenty dollars, at the discretion of the court; one-half thereof to be paid into the township treasury for school purposes and the other half to the person prosecuting; and shall, moreover, be liable at the suit of the party injured for damages. Penalty for taking unlawful toll.

SECTION 2. That said original sections 4371 and 4373 are Repeals, etc.

hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
277G

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[House Bill No. 1232.]

## AN ACT

To provide for the expense of cleaning out, repairing or enlarging any ditch, which has been located in more than one county; how apportioned.

Cleaning, repairing or enlarging joint county ditch: how cost of, apportioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a ditch needs to be cleaned out, repaired or enlarged which has been located in more than one county, any owner of any lot or tract of land which was assessed for its construction, may make a statement to the county commissioners, of either of said counties, in writing, setting forth such necessity, and the commissioners shall forthwith appoint a disinterested freeholder of the county or an engineer, to examine the ditch, whose compensation shall be as in other cases, and who shall be sworn to go upon the line thereof and carefully make such examination, and make an estimate of the amount of work to be done and the amount of money required therefor, and fix the portion thereof that the owner of each lot or tract of land, and each corporation, county or township assessed for the construction of the ditch or that may be benefited by such cleaning out, repairing or enlarging of the ditch, should be assessed for such improvement; and such assessment shall be made according to benefits, unless the necessity for the improvement arose from the acts or neglect of any land-owner or corporation, in which case such act or neglect shall be considered. Such freeholder, or engineer shall return his estimate and assessments to the aforesaid commissioners in writing, whereupon said commissioners shall notify the commissioners of any other county interested of said action, and furnish to them a copy of said estimate and assessments, and it shall be the duty of the commissioners of the said counties to appoint a day for hearing the same in joint session, and direct a like notice to be given to all land and lot owners and corporations affected thereby, as is provided in case of the apportionment in the construction of a like ditch when they may make such changes therein as they may deem right and proper. They shall enter upon their journals the assessments as approved by them, and the auditors of the said counties shall place the same upon the duplicate against the lands upon which they are assessed, to be collected as other taxes; the work to be done shall be advertised, sold and let and the contracts thereof performed as provided in the construction of a like ditch, and the contractor shall be paid by the warrant of the proper

auditor on the county treasurer out of the assessments so made, and paid upon certificate of such freeholder or engineer, that he has performed his contract but if, at the presentation of any certificate, all the assessments have not been paid, payment shall be made thereon pro rata.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
278G

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[House Bill No. 1417.]

AN ACT

**To authorize land-owners to lay pipe-lines within the lines of the public roads and highways.**

Owner of land abutting on public road may lay pipe-line for water, etc., within line of road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any land-owner owning land abutting upon any public road, not within a municipal corporation, when approved by the county commissioners, if upon a state or county road, and when approved by the township trustees if upon a township road, to lay a pipe line within the line of the road for the purpose of conveying water for public and other purposes; providing that the laying of such pipe-line shall in no way interfere with public travel or damage such road, and under such regulations as the commissioners or trustees may prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
279G

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[House Bill No. 1626.]

AN ACT

**To authorize the council of any incorporated village having a population by the last federal census, or by any following federal census of not less than 1,875 or more than 1,880, to issue bonds for the improvement and paving of its streets and alleys.**

Authorizing certain villages (Paulding) to issue bonds for improvement of streets and alleys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village having by the last federal census or by any following federal census a population of not less than 1,875 or more than 1,880, be and it is hereby authorized to issue bonds upon its corporate credit, in such an amount not to exceed fifty thousand

($50,000) dollars as the council shall by ordinance determine, for the purpose of improving and paving the streets and alleys of such village. Said bonds shall be issued in such denominations and shall be payable at such times within a period of twenty years as the council of said village shall by ordinance determine, and shall bear a rate of interest not to exceed six per centum per annum, payable semi-annually, and further shall be issued, advertised and sold according to law.

Municipal funds created.

SECTION 2. That the sum of money, principal and premium, realized from the sale of said bonds shall be placed in the "street improvement fund," and all special assessments made for the improvement or paving of any street or alley, or part of either, the cost of which has been paid out of such fund, shall be collected and placed in the "street improvement bond and interest funds," and only appropriated for the payment and redemption of said bonds.

Levy of tax for payment of interest.

SECTION 3. That for the purpose of paying the interest on said bonds, the council of said village is hereby authorized to levy annually a tax upon all the taxable property of said village, in addition to the amount already allowed to be levied by law, to be placed in the "street improvement, bond and interest fund," and not otherwise appropriated.

Levy of tax for redemption of bonds.

SECTION 4. That for the purpose of paying such amount of said bonds, as the proceeds of the sale thereof shall have been appropriated for street and alley intersections, and for street and alley improvements, in excess of the amount of the special assessments collected, as provided in section 2 of this act, the council of said village shall levy a tax upon all the taxable property of said village, in addition to the amount allowed to be levied by law, to be placed in the "street improvement bond and interest fund," and not otherwise appropriated.

Question to be submitted to vote.

SECTION 5. Provided however before the council of any village shall issue or sell the bonds of such village as provided for in this act, the question of issuing and selling said bonds shall be submitted to the qualified electors of such village at some special or general election notice of which shall be given for not less than ten days by publication in some paper of general circulation in such village or by posting printed or written notices thereof in not less than ten conspicuous places in such village. At said election those voting in the affirmative shall have written or printed on their ballots "For issue of street improvements bonds—Yes," those voting in the negative shall have written or printed on their ballots "For issue of street improvement bonds—No." If at said election a majority of the votes cast on said proposition shall be in favor of the same, then and then only shall the council of such village issue and sell the bonds of said village as above provided for.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.

280G

[House Bill No. 1668.]

## AN ACT

**To provide for wiring and equipment of state-house with electric lights, and lighting same.**

Appropriation for electric lights for state-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of thirteen thousand dollars ($13,000.00) be, and the same is hereby appropriated out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, to wire and equip state house with electric lights, keep same in repair and pay the expense of furnishing light therefor.

Adjutant-general charged with supervision of work, etc.

SECTION 2. The adjutant-general is hereby authorized and required to let the work of wiring, furnishing material and equipping the state-house with electric lights to the lowest responsible bidder. For the purpose of drawing specifications, superintending, and directing said work, and furnishing material, he is authorized to employ a competent electrician, whose services shall be paid for as other services hereby required. He is further empowered to enter into contract for the furnishing of electric light, either by the meter or for a certain period, not exceeding one year at a time.

Certificate of completion of work, etc.

SECTION 3. It shall be the duty of the adjutant-general to properly certify when the work of wiring and equipping is done to his satisfaction, and thereafter from time to time as may be most advantageous to the state, to approve and certify to bills for lighting, improving and repairs. All expenses occurring under this act shall be audited and paid in the same manner as repairs to state-house are now paid.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
281G

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[House Bill No. 1689.]

## AN ACT

**Relating to certain proposed amendments to the constitution of Ohio and the publication thereof.**

Constitutional amendments: return of vote cast for.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That at the general election to be held on the first Tuesday after the first Monday of November, 1891, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return of the vote cast for and against any pro-

posed amendments that may be submitted to the voters of the state for adoption or rejection at such election.

Additional return to secretary of state.

SECTION 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment or amendments to the constitution, shall be certified and made by the clerk of each county to the secretary of the state within ten days after said election; and within twenty days after said election the governor, secretary of state and attorney-general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Canvass thereof.

Governor's proclamation.

Publication of proposed amendments.

SECTION 3. The secretary of state and state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once each week in not less than one newspaper in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1891, and in counties where newspapers represent each of the two leading political parties, then such amendments shall be published in one newspaper of each political party once each week for six months, and until said first Tuesday after the first Monday of November, 1891; and in counties having a German newspaper of general circulation, once a week in a German newspaper for said time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

Charges for publication.

SECTION 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4366) of the Revised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
282G

[House Bill No. 1799.]

## AN ACT

**To authorize and provide for official stenographers in certain subdivisions of certain judicial districts.**

Official stenographer: appointment of, in second subdivision, tenth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the second subdivision of the tenth judicial district of Ohio, an official stenographer shall be appointed by the judges of the courts of common pleas of said subdivision of said district, and said stenographer shall hold such position for the term of two years from the date of his appointment.

Salary.

SECTION 2. The official stenographer shall receive a salary, not to exceed twelve hundred dollars per annum, to be fixed by the judges of said subdivision and by them apportioned to each county in said subdivision, which salary shall be in lieu of all per diem fees, in said common pleas courts; and it shall be the duty of the auditors of the counties in said subdivision of said district, to issue warrants on the treasurers of said counties, for the payment of such salary so apportioned, out of the general funds, in equal monthly installments, upon presentation to them of a certified copy of the journal entry appointing such stenographer and fixing and apportioning his salary, and a certificate of said judges, or either of said judges, that such stenographer has performed the duties hereinafter required of him. In such counties of said subdivision of said district it shall be the duty of the said official stenographer to make short-hand notes of the testimony, and the charges of the court to the juries, or the opinion of the court, in every case tried in the common pleas courts of said subdivision unless the judge trying said causes otherwise directs. He shall also perform, without extra compensation, such work as may be required by either of the judges of said courts, in preparing opinions, and charges to juries. And in every case when short-hand notes of the testimony are so made, there shall be taxed for each day's services of such official stenographer in such cases, a fee of three dollars, to be collected as other costs in the case, and when collected paid into the treasury of the county where said case is tried.

Duties.

Additional costs for stenographer's services.

Transcripts.

SECTION 3. When short-hand notes have been taken in any case, as herein provided, if the court, or either party to the suit, or his attorneys, request a transcript of the notes in long-hand, the official stenographer shall cause a full and accurate transcript of the testimony and other proceedings to be made, which shall be filed with the clerks of the courts, where such cases are tried, for the use of the court or parties.

Fees of stenographer for making transcripts.

SECTION 4. The fees of the official stenographer of said subdivision of said judicial district, for transcripts of the short-hand notes mentioned in section 3, shall be eight cents per folio of one hundred words, but when more than one such transcript shall be ordered at the same time the fee for making such additional transcript shall be one-third of the fee allowed for the first transcript, and shall be paid forthwith by the party or parties for whose benefit the same is ordered,

and when paid shall be taxed as other costs in the case; but all transcripts made in criminal cases, and transcripts ordered by the court, when not asked for by the parties, shall be paid out of any funds not otherwise appropriated in the treasury of the county in which the courts are held; and the clerk of the court shall certify the amount of fees due said official stenographer for preparing said transcripts in such cases, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the treasurer of the county, and when so paid such fees shall be taxed and collected as other costs in the case.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
283G

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[House Bill No. 1802.]

AN ACT

To authorize the council of any incorporated village having a population at the federal census of 1890, or at any subsequent federal census, of not less than eight hundred and ninety-three and not more than eight hundred and ninety-eight, to borrow money and issue bonds therefor for the purpose of encouraging mining enterprises in said village and on lands contiguous thereto.

Certain villages (Sherodsville) authorized to issue bonds to encourage mining.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village which had, at the federal census of 1890, a population of not less than eight hundred and ninety-three and not more than eight hundred and ninety-eight, is hereby authorized to borrow money and issue the bonds of said village in an amount not exceeding eight thousand dollars ($8,000) for the purpose of encouraging mining enterprises in said village and on lands contiguous thereto.

Vote upon proposition.

SECTION 2. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village at a special election to be held at such time as the council of such village shall appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds ($\frac{2}{3}$) of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose provided in this act.

Notice and conduct of election.

SECTION 3. The council of such village, within ninety days after the passage of this act, shall publish notice of the submission of such question in the village newspapers, for at least ten days prior to such election; and such election shall be held in all respects, not otherwise herein provided, as

municipal elections are now required by law to be held in such village.

Issue and sale of bonds.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village, in denominations not less than one hundred dollars nor more than eight hundred dollars, payable in such times, not exceeding ten years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine; they shall express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor, and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

Levy of tax.

SECTION 5. The council of such village is hereby authorized to levy a tax, annually, not exceeding 5 mills on the taxable property within such village, in addition to the tax now by law authorized to be levied, in such an amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds; provided, that the money so raised shall not be used for any other purpose than paying said bonds and the interest thereon.

SECTION 6. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25. 1891.
284G

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[Senate Bill No. 685.]

AN ACT

To authorize villages of the first grade having a population at the last federal census of not less than three thousand (3,000) nor more than thirty-one hundred (3,100) or which may have such population at any subsequent federal census to issue and sell bonds, but not exceeding twenty thousand dollars ($20,000.00) in amount, for the purpose of purchasing or erecting and owning electric light plants.

Certain villages (Wilmington) authorized to issue bonds for electric light plants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That villages of the state of Ohio of the first grade, having a population at the last federal census of not less than three thousand (3,000) nor more than thirty-one hundred (3,100) or which may have such population at any subsequent federal census, be and they are hereby authorized and empowered to issue and sell their bonds in any sum not exceeding twenty thousand dollars ($20,000.00) for the purpose of purchasing or erecting and owning electric light plants to be used in supplying lights for streets and other public lighting, and lights for private use.

Relative to issue and sale of bonds.

SECTION 2. Said bonds shall be issued and sold as are other bonds issued and sold under existing laws for other public improvement. They shall express upon their face the purpose for which issued and sold, the act of the general as-

sembly of the state of Ohio under which authorized, shall be signed by the mayor and attested and registered by the clerk as are other bonds now authorized by law for public improvements.

When bonds payable, etc.

SECTION 3. Said bonds shall not run for a time greater than twenty (20) years from the date of their issue, and shall together with interest, be made payable at such places as the council may direct.

Interest; proceeds from sale of bonds.

SECTION 4. Said bonds shall not draw interest at a rate exceeding six (6) per cent. per annum, payable semi-annually. The money obtained from the sale of such bonds shall be paid into the hands of the treasurer, who shall hold and disburse the same as other village funds. Before any such bonds shall be issued and sold, the question of the issue and sale of said bonds for the purpose herein specified shall be submitted to the qualified electors of said village, at a regular or special election called for the purpose of voting on such question, the ballots used by such electors shall have written or printed thereon the words "To issue bonds to purchase or construct and own an electric light plant—Yes," or "To issue bonds to purchase or construct and own an electric light plant—No." And if a majority of such electors voting on such question shall vote "Yes," then and not otherwise, shall said village issue and sell its bonds as herein expressed, said bonds shall be issued from time to time as required, but no more shall be issued and sold than are necessary to carry out the terms and purposes of this act, and they shall be of such amount as the council may direct.

Vote upon proposition to issue bonds.

Amount of issue limited.

SECTION 5. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 27, 1891.
285G

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[Senate Bill No. 690.]

AN ACT

To authorize the county commissioners of any county which at the last federal census had, or at any succeeding federal census may have, a population of 39,556, to levy for county purposes a certain tax.

Additional levy for county purposes in certain counties (Lawrence).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county, which at the last federal census had, or at any succeeding federal census may have a population of 39,556, may, annually, at their June session, levy on each dollar of valuation of taxable property within their county, for county purposes, other than roads, bridges, county buildings, sites therefor, and the purchase of lands for infirmary purposes, in addition to the levies now authorized by law, not to exceed six-tenths (.6) of a mill.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 27, 1891.
286G

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[House Bill No. 132.]

AN ACT

**Supplementary to act passed April 17, 1882 (79 v. 101), to regulate safe deposit and trust companies.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to the act passed April 17, 1882 (79 v. 101), to regulate safe deposit and trust companies, with the sectional numberings as follows:

**Savings and loan associations:**

Sec. 3821*c*. Companies organized under the acts to which this is supplementary, and engaged exclusively in the business of safe deposit and trust companies, in addition to the powers already possessed, shall have the power to take, accept and execute all such trusts of every description as may be committed to such company by any person or persons, or any corporation by grant, assignment, devise or bequest, or which may be committed or transferred to, or vested in said company, whether the same be to act as executor, administrator, assignee, guardian, receiver or trustee, or in any other trust capacity, by order of any court of record or probate court, in the county in which such company is located, and its principal business is transacted, or of any court of record or probate court of any other state, or of the United States, to receive and take any real estate which may be the subject of any such trust, and to act as agent under any power. Provided any such appointment as guardian, shall apply to the estate only, and not to the person.

**Safe deposit and trust company may act as executor, administrator, assignee, guardian, etc.**

**Trust operations limited to county in which located.**

**Limitation of powers.**

Sec. 3821*d*. The capital of such companies shall, with all their property and effects, be absolutely liable in case of any default whatever in any of the trust positions aforesaid, and shall together with the statutory liability of the stockholders be taken and considered as the only security required by law, and such companies shall not be required to give in any trust capacity, any other bond, security, oath or undertaking. The probate judge may at any time he deems proper require additional security in any amount he may think necessary. Provided, however, that no such company shall accept any trusts which may be vested in, transferred or committed to it by any individual or by any court of record, as provided in section 3821*c*, until the capital stock of said company shall amount to two hundred thousand dollars, fully paid up, and until such company shall have deposited with the treasurer of state, one hundred thousand dollars in cash or in

**Liability.**

**Additional security.**

**Required capital.**

**Deposit with treasurer of state.**

securities in which said company is by law allowed to invest its capital; the treasurer of state shall hold such fund or securities deposited with him as security for the faithful performance of all the trusts assumed by said company. But so long as any such company shall continue solvent, said treasurer shall permit it to collect the interest or dividends on its securities so deposited and from time to time to withdraw such securities or cash, or any part thereof, on depositing with him, cash, or other securities of the kind heretofore named, so as to maintain the value of said deposit at one hundred thousand dollars.

**Examination of company.**

Sec. 3821*e*. Any judge of the court in which any such company is acting in such trust capacity, may, if he deem it necessary, or upon the written application of any party interested in the estate which such company holds in any trust capacity, at any time, appoint a suitable person or persons, who shall investigate the affairs and management of such company concerning said trust, and make sworn report to such court of such investigation; the expense of such investigation shall be defrayed by the party asking such examination; and any such court may, at any time, examine any officer or officers of such company, under oath or affirmation, as to the company's trust matters in such court, or as to its finances and management while considering its appointment in any such capacity; and such court may, for any cause applicable to natural persons in the same capacity, order that said company shall forthwith settle its trust in said court.

**Application of existing statutes.**

Sec. 3821*f*. The provisions of sections 3821*c*, 3821*d* and 3821*e* relating to the power of the probate court to appoint any such company to act as executor, administrator, assignee, guardian, receiver or trustee, shall apply only to probate courts in counties containing a city of the first grade of the first class.

**Repeals.**

SECTION 2. So much of the act passed April 17, 1882 (79 v. 101), to regulate safe deposit and trust companies, as is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
287G

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[House Bill No. 650.]

AN ACT

To amend section 4672 of the Revised Statutes of Ohio, as amended March 29, 1886 (O. L., vol. 83, p. 44).

**Township roads:**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4672 of the Revised Statutes of Ohio as amended March 29, 1886 (O. L., vol. 83, p. 44), be amended so as to read as follows:

Petition for township road, and notice.

Sec. 4672. If any person, board of education, or directors of a township cemetery, for the convenience of the petitioners or neighbors, wishes to have a township road laid out from the plantation or dwelling-place of any person, or from any mill, or house of public worship, or to any cemetery, or burial-ground, or school-house or to a public road, or from one public road to intersect another, or from any tract of wild or timber land, or from a railroad station to a township, county or state road or saw-mill; he, they, or it may petition the trustees of the proper township, after giving thirty days' previous notice thereof by advertisements posted up in three public places within the township, setting forth therein the time when the petition is to be presented, the place of beginning, intermediate points, if any, and the place of termination of the road; provided, however, that such directors of a township cemetery shall not be required to give the bond provided for in section forty-six hundred and seventy-three, and that no costs or expenses shall in any case be assessed against them.

Exceptions as to directors of township cemetery.

Repeals.

SECTION 2. That section 4672, as amended March 29, 1886 (83 v., 44), is hereby repealed.

SECTION 3. That this act take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
288G

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[House Bill No. 1001.]

AN ACT

To prevent certain persons from entering places where intoxicating liquors are sold, or offered for sale.

Intoxicating liquors: unlawful for minor to enter place where sold; exceptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any minor to enter any saloon, beer-garden or other place where intoxicating liquors are sold or offered for sale, except in the discharge of some lawful business, or accompanied by a parent or guardian.

Penalty.

SECTION 2. Any person so offending shall, for the first offense upon conviction thereof, be fined not more than five dollars ($5.00), nor less than one dollar ($1.00), and for any subsequent offense shall, upon conviction or convictions thereof, be fined not more than twenty-five dollars ($25.00), nor less than five dollars ($5.00), or be imprisoned not more than ten days (10), or both.

Penalty for permitting minor to loiter where sold.

SECTION 3. The keeper or person having in charge any saloon, beer-garden, or other place where intoxicating liquors are sold or offered for sale, who shall knowingly permit any minor less than eighteen years of age except as provided in section one to enter and remain in said place where intoxicating liquors are sold or offered for sale as aforesaid, except members of his own family, shall be fined not more than

As to employment of minors.

twenty-five dollars nor less than five dollars, or be imprisoned not more than ten days, or both. Nothing herein contained shall be construed as prohibiting the employment of any minor to do or perform labor in any part or department of any building, other than the room wherein the saloon or other place in said building wherein intoxicating liquors are sold or offered for sale.

Drug stores.

SECTION 4. Nothing in this act shall be construed to prohibit minors from entering the drug store of any druggist doing business under the laws of this state, and who sell intoxicating liquors only on physicians' prescription.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
289G

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[House Bill No. 1800.]

## AN ACT

To authorize the improvement of public roads in certain townships by the township trustees thereof.

When trustees of certain townships (Crane township Wyandot county) shall submit question of road improvement to vote.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in this state, having within its boundaries a village containing by the last federal census a population of not less than 3,550 and not more than 3,575, or that may contain at any subsequent federal census such population, and in which no free turnpikes have been constructed or are in course of construction, shall, when the petition of one hundred or more tax-payers of such township (including such village) is presented to them, praying for the improvement of the public roads of such township, submit the question of the improvement of the public roads thereof to the qualified electors of such township, including such village, at a general or special election, within sixty days after the presentation of such petition.

How notice of election given; ballots, etc.

SECTION 2. The qualified electors of such township (including those of such village) shall, at such election, have submitted to them the policy of improving its public roads by general taxation. The township trustees shall cause notice of such election to be given in all the newspapers published and of general circulation in such township, and shall also cause handbills announcing the same to be posted up at the usual place of holding elections in each ward and precinct in such township, at least ten days prior to such election. At such election those favoring said policy shall have written or printed upon their ballots the words, "For the improvement of public roads—Yes;" and those opposed to said policy shall have written or printed upon their ballots the words, "For improvement of public roads—No."

Conduct of election; returns; compensation of judges and clerks, etc.

SECTION 3. The trustees of such township shall appoint three judges and two clerks for each ward and precinct therein, who shall conduct such election in like manner as is by law provided for holding other elections. They shall, within three days thereafter, return to the clerk of such township a full and correct abstract of the votes cast at such election, and shall be governed, in all respects, by the laws regulating general elections, and shall receive the same compensation as judges and clerks at other elections, which shall be paid out of the township fund upon the order of the township clerk. The poll-books and abstracts so returned to the township clerk shall, within five days thereafter, be opened by the township trustees and clerk, and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

Canvass of returns.

When question, if defeated, shall be again submitted.

SECTION 4. If, at such election, a majority of the votes cast are against the policy of improving the public roads by general taxation, the township trustees shall not assess any tax for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall, to the qualified voters of such township, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

Road commissioners.

SECTION 5. If, at such election, a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders of such township, at least two of whom shall reside within the corporate limits of such village, as commissioners to designate and determine the established roads of such township, which should in their opinion, be improved; but no road shall be by them designated which does not extend beyond the township limits; nor shall any public highway within the corporate limits of such village be so designated unless it extends to and beyond the township line continuously. The commissioners shall call to their aid a competent engineer, who shall make a correct map of the township, plainly showing the established roads of such township which have been by such commissioners designated for improvement, and also, profiles of such roads, showing the grades thereof as they then exist, which he shall turn over to the custody of the township clerk.

What roads shall not be improved.

Engineer: duties of.

Oath and compensation of commissioners.

SECTION 6. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath or affirmation, honestly and impartially to discharge their duties with a view to the public welfare. They shall receive as compensation two dollars per day for each day actually employed. The engineer shall receive such sum, not exceeding four dollars per day, as he may with the commissioners agree upon. The compensation of the commissioners and the engineer shall be paid out of the township fund, upon the order of the township clerk, after allowance by the township trustees.

Compensation of engineer.

Order for im-

SECTION 7. After the report of the commissioners and

provement of roads.

the map and profiles of the engineer have been filed with the township clerk, the township trustees shall, in determining which road shall be first improved of those designated by the commissioners, select the main roads entering said village, both east and west and north and south, and if, in their opinion, it is not expedient to undertake the improvement of the roads in all directions at one time, they shall proceed to first improve the road having the greatest length within the township.

Record of proceedings of trustees.

SECTION 8. The trustees shall cause to be kept by the township clerk, in a book to be provided by them for that purpose a full and complete record of their proceedings under this act, relating to the improvement of public roads; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by the trustees, whilst in session as a board, to be entered upon the record of their proceedings and by orders drawn in pursuance thereof by the township clerk, upon the township treasurer, and in favor of the persons only to whom the money is due.

How money paid out.

Work to be let to lowest bidder.

SECTION 9. When the township trustees have by resolution determined to improve a designated road, the work of its construction shall be by them publicly let to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published in such township, and by handbills judiciously posted.

Roads to be divided into sections.

SECTION 10. For the purpose of letting contracts the trustees shall cause each road about to be improved to be divided into suitable sections, and the sections shall be numbered from the point of beginning toward the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section, and also the materials which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work in such manner as the trustees may require, and shall also bid separately for the materials to be furnished.

How contracts shall be let.

Bond of contractor.

SECTION 11. Each contractor shall be required to give bond in amount at least equal to the contract price, with sufficient sureties for the faithful performance of his contract, payable to the township trustees, for the use and benefit of the township, and with the necessary stipulations on the part of the contractor and the specifications of work and materials inserted therein.

How payments for work made.

SECTION 12. In all cases the construction of such improved roads shall commence at a point to be designated by the trustees of said township, and no payments for work or materials shall be made except upon estimates made by the superintendent of improved roads, appointed by the trustees, and by him duly certified, of work actually done, and of materials actually furnished, and after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

Regulations for improvement of roads.

SECTION 13. No road shall be improved under the provisions of this act which is less than forty feet wide, and at least twenty feet thereof shall be turnpiked with earth so as to drain freely to the sides, and shall be raised with stone or gravel not less than ten nor more than sixteen feet in width, and not less than twelve inches thick in the center nor less than eight inches at the outer edge of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even and substantial road. The road shall be well provided with necessary side-drains, waste-ways and under-drains to prevent overflowing or washing by water; and the commissioners of the county in which such township is located shall, on the application of the township trustees, cause all necessary bridges and culverts on such roads to be constructed or reconstructed in a substantial manner, so as to conform to the grade of the improved road.

Trustees may regulate width of tires.

SECTION 14. All roads improved under the provisions of this act shall be free turnpikes; but the trustees of any such township shall have the same power to regulate the width of tires to be used on such roads as is conferred upon county commissioners in section 4904 of the Revised Statutes of the state of Ohio, and the penalties, provided by section 4905 of said statutes shall be applicable and imposed for any violation of the rules adopted by such trustees to regulate travel upon such improved roads.

Superintendent of improved roads: compensation, oath and bond of.

SECTION 15. Before entering upon the improvement of any roads under the provisions of this act, the trustees of any such township shall employ some competent engineer, who shall be known as superintendent of improved roads, who shall be paid not more than four dollars per day for the time actually employed, out of the funds raised for the improvement of roads. He shall, before entering upon his duties, take and subscribe an oath or affirmation to faithfully and honestly discharge his duties, and shall give bond in the sum of five thousand dollars payable to the trustees for the use and benefit of such township, conditioned that he will faithfully and honestly discharge his duties, all and singular, as superintendent of improved roads of such township; and the trustees shall receive two dollars ($2.00) per day for the time actually employed under the provisions of this act.

Compensation of trustees.

Duties of superintendent.

SECTION 16. It shall be the duty of the superintendent of improved roads of any such township to prepare all plans, profiles and specifications, and to determine the grades of any road about to be improved by the trustees of such township, when by them directed so to do; and all work done on such roads shall be under his supervision, and all materials shall be inspected by him, and both shall be subject to his approval. No payment shall be made for any work or materials except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties interested, estimates for work done and materials furnished at such times as the contracts may provide, and may employ such assistants as he may require, who shall receive such reasonable compensation as the township trustees may allow.

Issue of bonds.

SECTION 17. For the purpose of providing the money necessary to meet the expenses of improving such roads, the trustees of any such township may, if in their opinion it be advisable, issue the bonds of the township payable, at such times as they may determine, not exceeding twenty-five (25) years, in sums of five hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; but such bonds shall not be sold for less than their par value, and the aggregate amount of the bonds of any such township at any one time outstanding shall not exceed fifty thousand dollars. The sale of all such bonds shall be advertised for at least thirty days, and the same shall be sold to the highest bidder.

Levy of tax.

SECTION 18. When the trustees of any such township have determined to improve any road or roads, as herein provided, in order to provide for the payment of such improvement, and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law, levy annually, upon each dollar of the valuation of all the taxable property of such township, including such village, an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year, until all the roads by such commissioners designated for improvement have been improved as herein provided, and the bonds issued for that purpose, together with the interest thereon have been paid.

Collection of taxes.

SECTION 19. The trustees of any such township shall cause the amount of the taxes by them levied each year, under section eighteen of this act, to be certified to the auditor of the county in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township (including such village), and the same shall be collected by the county treasurer in like manner as other taxes are collected.

How roads shall be kept in repair.

SECTION 20. The trustees of any such township shall provide for the keeping in repair of such improved roads, and for that purpose the provisions of sections 4891, 4892 and 4894 of the Revised Statutes are made applicable to such townships.

Levy for keeping roads in repair.

SECTION 21. To provide a fund for the keeping in repair of such improved roads the trustees of any such township may levy, annually, an amount not exceeding one-half of one mill upon each dollar of the valuation of all the taxable property of such township, including such village, in addition to the other road taxes by them levied.

Compensation of township treasurer.

SECTION 22. The treasurer of any such township shall receive and disburse all moneys arising from the provisions of this act. He shall receive as compensation therefor one per centum of the first ten thousand dollars, or less sum disbursed by him in any one year, and one-half of one per centum upon any amount in excess of ten thousand dollars,

to be paid out of the township fund, and he shall receive no other compensation for services under this act.

Exemption from taxes of township property.

SECTION 23. No taxes or assessments shall be levied upon any property in such township (including such village), by the county commissioners of the county in which it is located, under the provisions of chapters six, seven and eight of title seven of the Revised Statutes of Ohio, after any of the public roads thereof have been improved under the provisions of this act.

SECTION 24. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
290G

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[House Bill No. 1849.]

AN ACT

To supplement section 2488 of the Revised Statutes.

Gas companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2488 of the Revised Statutes be supplemented as follows:

Bond of trustees of gas-works in certain cities (Fostoria).

Sec. 2488*a*. That notwithstanding the provisions of said section 2488, the trustees of gas-works of any city having by the federal census of 1890, or that may by any subsequent federal census have a population of not less than 7,065 nor more than 7,075, shall be required to give bond as provided in said section 2488, in such amount as the city council may fix by resolution or otherwise, but such bond shall not be less than one thousand, nor more than ten thousand dollars, if such gas-works be a natural gas works.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
291G

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[House Bill No. 1852.]

AN ACT

To authorize certain villages to issue bonds for the improvement and advancement of their manufacturing and shipping facilities, and levy a tax for the payment thereof.

Certain villages (Clyde) may issue bonds for

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the councils of villages having at the last federal census of 1890 and which may have at any subse-

general improvements, etc.

quent federal census a population of not less than 2,325 nor more than 2,330 be and are hereby authorized to issue and sell the bonds of such villages in any sum not exceeding twenty-five hundred dollars ($2,500), bearing interest not to exceed six per cent. per annum, payable semi-annually, in denominations of not less than one hundred dollars and not more than five hundred dollars, the proceeds whereof shall be applied for the benefit of said villages to the improvement of their manufacturing and shipping facilities.

Question to be submitted to vote.

SECTION 2. Before said bonds or any part thereof shall be issued, the council of any such villages shall provide by resolution for submitting the question of issuing the same to the qualified electors of said villages at some special or general election, and the mayor of such villages shall issue and publish in some newspaper published in and of general circulation in said villages, once a week, for three weeks previous to said election, his proclamation, setting forth therein the time and place of holding said election, the purpose or purposes to which the proceeds of said bonds are to be applied, the amount of bonds to be issued, and the rate of interest they are to draw. The ballots voted at said election shall have written or printed thereon the words "For issuing improvement bonds—Yes," "For issuing improvement bonds—No." If two-thirds of all the voters voting at said election vote for and approve the issuing of said bonds and the same shall be so certified by the judges of said election, the council may proceed to issue and sell said bonds, and otherwise not. Said bonds shall be issued and sold according to law but shall not be sold for less than their par value, and the council may provide for the payment of the principal and interest thereof, at such time or times not exceeding five years after their date as it may designate, by levying on all the taxable property of any such villages, annually, a tax not exceeding two mills in any one year, in addition to the general levy now allowed by law for other purposes.

Issue and sale of bonds.

Levy of tax.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
292G

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[Senate Bill No. 383.]

AN ACT

To amend section 761 of the Revised Statutes of Ohio, as amended February 23, 1886 (vol. 83, page 7, O. L.).

Boys' industrial school:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 761 of the Revised Statutes of Ohio, as amended February 23, 1886, be amended so as to read as follows:

Power of governor as to juvenile offenders.

Sec. 761. The governor may, upon the written application of the superintendent of the boys' industrial school, or when it otherwise is made to appear to him that it is expedient, cause any juvenile offender, confined in the penitentiary, or in any house of refuge, to be transferred to the boys' industrial school, the expense of such removal to be paid by the state; and any person so removed from the penitentiary or sentenced to the penitentiary, shall, while at the boys' industrial school, be governed by the same rules and regulations, relative to deportment and discharge, as other persons committed to such institutions; and the governor may, for satisfactory reasons, remand to the penitentiary offenders so transferred to the boys' industrial school, to serve out that part of their respective sentences to the penitentiary remaining unexecuted at the time of their transfer to the boys' industrial school.

Repeals.

SECTION 2. That section 761 of the Revised Statutes, as amended February 23, 1886, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
293G

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[Senate Bill No. 472.]

AN ACT

To amend section 2771 of the Revised Statutes of Ohio.

Listing personal property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2771 be so amended to read as follows:

President of board of appraisers for railroad company.

Sec. 2771. The auditor of the county where such railroad company has its principal office, if such principal office is in this state, and if such principal office is not in this state, then the auditor of the county having the largest city or village upon the line of such road shall be the president of said board, whose duty it shall be to appoint the time and place for the meeting of such board, and notify the proper county auditors of the same, at least five days before the time appointed for such meeting. In the absence or inability of the president, the board shall appoint one of its members president pro tempore. In all meetings of any such board, a majority of such county auditors shall constitute a quorum, and a majority of those present at any meeting having a quorum shall decide all questions submitted. Each board shall appoint one of its number secretary, and full minutes of its proceedings shall be kept, which shall consist of a full and complete record of the votes of each member of said

Quorum.

Secretary.

Votes of members to be recorded on all motions fixing valuations.

board. The valuation of the property shall be fixed only on motion made and duly seconded. On all such motions the yeas and nays shall be called, and each member's vote shall be recorded by the secretary. Immediately after the board has adjourned, the secretary shall make a complete record of all the transactions of the proceedings of the board, and set forth therein the names and official capacity of the officials of the railroad present at such meeting. And a certified copy of such proceedings, signed by the president and secretary thereof, shall be forwarded at once to the county auditor of each county constituting a member of said board, and the same shall be recorded in a book kept in the county auditor's office, subject to the inspection of any person during office hours, and the certified copy shall alike be kept on file in said county auditor's office, and for like examination.

Minutes of proceedings to be kept on file in each county, etc.

Repeals, etc.

SECTION 2 That original section 2771 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
294G

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[Senate Bill No. 482.]

AN ACT

To amend an act to establish an intermediate penitentiary, and to provide for the appointment of a board of managers to locate, construct and manage the same, passed April 14th, 1884, and the act amendatory thereto passed April 18th, 1890, and to change the name of said institution to the Ohio state reformatory.

Ohio state reformatory established.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be established an Ohio state reformatory, for the incarceration of such persons convicted and sentenced under the laws of Ohio, as have not previously been sentenced to a state penitentiary in this or any other state or country.

Appropriation for that purpose.

SECTION 2. That for the purpose of carrying into effect the provisions of this act, there shall be and is hereby appropriated for the years 1884 and 1885, ten per centum of all the moneys received under an act passed April 17, 1883, entitled, "An act further providing against the evils resulting from the traffic in intoxicating liquors," any thing in the above recited act to the contrary notwithstanding. Said ten per centum of such money so received shall be returned to the state treasury by the several county treasurers of the state, when making regular semi-annual settlements, as is provided in other cases. The money so received by the state treasurer shall be placed to the credit of the Ohio state reformatory fund, to be used for the objects provided for by this act.

Fund created.

Board of managers: how appointed and constituted.

SECTION 3. The governor is hereby authorized to appoint, by and with the advice and consent of the senate, five persons, who shall act as a board of managers of said Ohio

state reformatory, and not more than two members of which board shall belong to the same political party. Of the managers so appointed, one shall serve one year, one two years, one three years, as may be designated by the governor at the time of their appointment; and at the expiration of the term of office of each member of the board, his successor shall be appointed in the manner and by the authority as hereinbefore provided, but for the term of five years. Whenever a vacancy occurs in the board of managers, otherwise than by the expiration of the term of a manager, such vacancy shall be filled by appointment by the governor, by and with the advice and consent of the senate, if the senate be in session, and if the senate be not in session, then subject to the confirmation of the senate when it next convenes, for such term to be designated by the governor at the time of appointment, as shall preserve and insure the rotation in office of the managers, the same as if one manager should be appointed every year, at the expiration of a manager's term, for the term of five years; provided, that the governor may, at his discretion, remove any member of the board of managers. Immediately upon their appointment and confirmation as herein provided, the board of managers shall convene in the city of Mansfield. The president of the board shall be the member having the shortest time to serve. Three members of the board shall constitute a quorum for the transaction of business.

Terms.

Vacancy.

Removal.

Meeting and organization of board; quorum.

SECTION 4. The board of managers shall have power to locate and construct said Ohio state reformatory, and shall perform such other duties as shall be required of them by this act. They shall each be entitled to receive as compensation, one thousand dollars per year. In selecting a site for said Ohio state reformatory, the board are authorized to receive donations of money or lands for the use of the state, to assist in defraying the cost of construction of said Ohio state reformatory; and they shall make such award of location as may in their judgment be determined, taking into consideration always the selection of a location which will best promote the health and reformation of convicts to be hereafter sentenced to said Ohio state reformatory. The board shall also prepare plans and specifications and advertise for and receive bids for the construction of said Ohio state reformatory, and shall have power to reject any or all bids.

Power and duties of board.

Compensation

Selection of site, etc.

SECTION 5. Upon the completion of the buildings of said Ohio state reformatory, the board of managers shall appoint a warden, clerk, physician and such other officers as may be required, who shall each receive a salary to be hereafter established by law; and they shall have power to remove any or all of them for cause. The clerk shall act as secretary of the board of managers. During the time occupied in constructing the Ohio state reformatory, the board may appoint a temporary clerk, who shall receive a salary for which services not to exceed one thousand dollars ($1,000.00) per annum.

Appointment of certain officers.

Temporary clerk.

SECTION 6. The board of managers shall prepare rules for its own government and for the government of the Ohio state reformatory in accordance with the provisions of this act, and subject to the appr[illegible] of the governor. And the

Rules, and annual report.

board shall make annual reports to the governor on or before the fifteenth day of November.

Duties of warden.

SECTION 7. The warden shall have supervision of the reformatory, subject to the approval of the board of managers, and shall receive and take into said reformatory all criminals not known to have been previously sentenced to a state penitentiary or reformatory in this or any other state or country, on conviction of any criminal offense in any court having jurisdiction thereof; and all courts shall sentence criminals convicted for first offense, except those sentenced for murder in second degree, to said Ohio state reformatory.

What criminals shall be sentenced to reformatory.

Discipline.

SECTION 8. In the discipline to be observed in said reformatory the managers and wardens shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Agricultural labor, mechanical industry or military training may be resorted to by said managers and warden as an instrument of reformation. The contract system of employing convicts shall not exist in any form in said Ohio state reformatory, but the prisoners shall be employed by the state, and in such ways as to in the least possible manner interfere with or affect free labor.

Contract system shall not exist.

Application of certain laws.

SECTION 9. All provisions of existing laws requiring the courts of this state to sentence criminals to the Ohio penitentiary shall, from and after the completion of the reformatory by the act provided, apply to said Ohio state reformatory, so far as to enable courts to sentence the class of prisoners mentioned in section seven (7) of this act to said Ohio state reformatory.

Repeals, etc

SECTION 10. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the act passed April 14, 1884, to establish an intermediate penitentiary, and the act amendatory thereto passed April 18, 1890, be and they are hereby repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
295G

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[Senate Bill No. 676.]

AN ACT

To allow the treasurer and auditor in certain counties a per centum for collecting assessments upon the traffic in intoxicating liquors.

Compensation of treasurer and auditor of certain counties (Darke) for collection of Dow liquor tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurer, in counties having a population at the federal census of 1890 of not less than forty-two thousand nine hundred and sixty, nor more than forty-two thousand nine hundred and sixty-five, or which, at any subsequent federal census may have such population, on settle-

ment semi-annually with the county auditor, shall be allowed as fees on all moneys collected under and by virtue of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886 (O. L., vol. 83, p. 157), the sum of two and one-half per cent.; and the said county auditor shall also, at said settlement, receive as fees the sum of two and one-half per cent. of all moneys collected under and by virtue of said act.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
296G

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[Senate Bill No. 684.]

AN ACT

To provide for improving and keeping in repair certain roads in certain counties.

Commissioners of certain county (Seneca) authorized to construct free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county in this state having by the federal census of 1880, or which by any federal census subsequent thereto may have a population of not less than 36,945 nor more then 36,949, the county commissioners thereof shall have power as herein provided, to locate and construct on and along state and county roads or either, one free turnpike leading from the county seat of any such county, southerly to the south line of any such county, and for that purpose shall have power as herein provided to restore to their original width and improve any state or county road or roads, or several such roads or parts thereof, forming one continuous road improvement constituting such free turnpike, by grading, draining, graveling, or macadamizing the same or by any or all such means.

Petition therefor.

SECTION 2. Upon the filing with the county auditor and presentation to the county commissioners of a petition stating the kind of improvement prayed for, describing the route and the points between which the same is asked, signed by at least two-thirds in number of the owners of the lots and lands bounding and abutting on the line of the proposed improvement as described in the petition, and the filing of a bond with the county auditor payable to the board of county commissioners, signed by one or more responsible resident freeholders (to whom the petitioners shall be liable, pro rata, for any amount such bondsmen may be compelled to pay), conditioned for the payment of the expenses of the preliminary survey, and report, if the improvement be not finally ordered, the amount of the bond being fixed and the bond being approved by the county auditor, the county commissioners shall thereupon appoint three disinterested freeholders of the county as viewers, and a competent surveyor or engineer

Bond for payment of expense of preliminary survey.

Viewers and surveyor.

to proceed upon a day to be named by the commissioners, to examine and view the route of the proposed improvement, and to perform the duties herein required of them, and they shall perform their duties and make report without unnecessary delay.

Notices.

SECTION 3. The county auditor shall, without delay, notify the viewers and surveyor or engineer of the time and place of their meeting to make the examination and view, and shall also give notice by publication in two newspapers of opposite politics published and of general circulation in the county for two consecutive weeks prior to the meeting, which notice shall state the time and place of meeting, the kind of improvement asked, the place of beginning and termination, and contain a general description of the route.

Examination and view of proposed improvement.

SECTION 4. The viewers and surveyor or engineer shall meet at the time and place specified by the commissioners, and after taking an oath faithfully and impartially to discharge the duties of their appointments, shall examine and view the route of the proposed improvement, and ascertain whether there is a public necessity therefor, and if they find in favor of such improvement and that there is a public necessity therefor they shall ascertain what lots and lands or parts thereof are within the territorial limits herein authorized to be assessed, and do such other acts and ascertain such further facts as may be deemed necessary and proper by them.

Report of viewers and surveyor.

Profile and plat.

SECTION 5. The viewers and surveyor or engineer shall, without unnecessary delay make report to the commissioners, showing if they find for the improvement, the public necessity of the contemplated improvement, such report shall be accompanied by a profile showing the existing grade of such road, and the grade on which the improvement should be made and such other matters as may be proper; also accompanied by a plat showing the territory liable to be assessed, and the various tracts and quantities therein, and the names of owners as shown on the transfer records in the auditor's office, also the location of all county and state roads in such territory; provided however, no lands or lots shall be assessed for such improvement, which lie in any such county seat, nor shall any lots or lands be assessed which do not lie within one mile of the proposed improvement, but, except as above, the lots and lands within such distance shall bear the expense as herein provided, and the distance of one mile may be computed in any direction in any such county from either side, or the southerly end or terminus of the road improvement or part thereof being constructed; and lands that have been assessed for the expense of any improvement made under the provisions of this act, shall not be re-assessed under subsequent proceedings for an extension of the same unless the prior assessment be not deemed proportioned to the whole benefit resulting to such lands from both or all such improvements.

Lands which shall not be assessed.

Lands which shall be assessed.

Hearing of report of viewers and surveyor.

SECTION 6. When the report is filed, the commissioners shall, unless such report shows that there is no public necessity for the contemplated improvement, fix a time for the hearing of such report as to all questions involved therein, and the

county auditor shall give notice of the time and place of hearing on such report, by publication in two newspapers of opposite politics, published and of general circulation in the county for two consecutive weeks, and the county commissioners may change such plat and profile to such extent as they may deem necessary, and proper and as may be legal; and if upon such hearing the commissioners approve such report, plat and profile as filed or as changed or amended by them and find there is a public necessity for such improvement they shall make and enter on their records an order that the improvement be made, which order shall state the kind of improvement, the width, the extent of the same and the lots and lands which shall be assessed for the expenses thereof, and no appeal shall be taken or lie from such order.

Order for improvement.

SECTION 7. That sections 4838 and 4839 of the Revised Statutes of Ohio shall apply to proceedings and improvements under this act to the same extent as if herein fully set forth and repeated next after section six of this act.

Application of certain sections.

SECTION 8. After making such order for an improvement or for any change in the same, the commissioners shall appoint a competent engineer to make the necessary surveys, plans, specifications and estimates for and to superintend the performance and completion of the work, such engineer without delay, shall take to his assistance the necessary aid, and divide such improvement into sections of not less than forty nor more than eighty rods, and set the necessary grade and section stakes, properly numbered, and ascertain any necessary drainage, and prepare all necessary plans, and specifications, and make an estimate of the cost of completing each section separately, and shall without delay make full report to the commissioners and they shall approve such report, but may first alter or amend the same; the engineer mentioned in this section before entering upon the performance of his duties shall enter with a good and sufficient bond to the board of commissioners, with sureties to be approved by them, conditioned for the faithful performance of his duties in a sum to be fixed by the commissioners, and an action may be brought on said bond by the commissioners or by any person aggrieved by a failure of the engineer to do his duty in the name of such board or party, and recovery may be had for the use and benefit of such county or person. The engineer immediately after the adoption of his report shall give notice by publication for two consecutive weeks in two newspapers of opposite politics, published and of general circulation in the county of the time when, and place where, said work will be let, and at the time and place named the engineer shall proceed to let each section of the improvement separately at public outcry, at the section being sold, to the lowest and best bidder, who shall enter into contract for the performance of his bid, and give such reasonable security for the proper performance of his contract within the time and in the manner deemed proper and expedient by the commissioners, and the engineer shall, in the name and subject to the approval of the board of commissioners, make contracts with the successful bidders for the performance of the work, and the contractors,

Engineer: appointment.

Duties.

Bond.

Letting of contracts.

upon entering into the proper contracts and securing the performance of the same as herein provided, may at once enter upon the performance of the work under the superintendence of the engineer; and the work shall be paid for on estimates made by the engineer from time to time, but ten per cent. of all estimates shall be retained, until the contract is finished; and all contracts shall be performed to the acceptance of the county commissioners. The commissioners shall designate the time when the whole of the improvement or each section thereof shall be finished before the engineer gives his notice of sale, and they may, for cause by them deemed sufficient, extend the time for the completion of any contract for a reasonable time, and the sureties of the contractor shall not by reason thereof be released or discharged; and in case any contractor shall fail to perform his contract or abandon the same, the work may be re-let the same as in like cases with reference to county ditches. The commissioners may, for cause deemed sufficient by them, remove the engineer and appoint another in his place and may also fill any vacancy.

How contractors paid.

Time for completion of improvement.

When and how work may be re-let.

Removal of engineer.

Application of certain sections.

SECTION 9. That sections 4842, 4843, 4844, 4845, 4846, 4847, 4848 and 4849 of the Revised Statutes of Ohio, shal, apply to all proceedings and improvements under this actl and control therein, to the same extent and in the same manner as if herein fully set forth and repeated in the order above set forth, next after section eight of this act.

Vacancy: in board of viewers.

SECTION 10. That in case any viewer fails to appear at the time fixed, or within a reasonable time thereafter, or in case before reporting to the commissioners any vacancy shall occur in the board of viewers, notice thereof shall forthwith be given to the county auditor, who shall at once fill the vacancy by the appointment of a person having the qualifications herein required, who being duly sworn, shall enter upon the performance of his duties; and a vacancy in the committee of assessors shall be treated in the same way, and filled in the same manner, and by the same authority.

In committee of assessors.

Control, maintenance and repair of road.

SECTION 11. That when any such road improvement is completed, sections 4890, 4891, 4892, and 4894 of the Revised Statutes, shall apply to the control, maintenance and repair of the same.

Petitioner may not withdraw.

SECTION 12. That when a petition has been filed with the county auditor, no petitioner shall, except as herein provided, have the right to withdraw therefrom, or to become a remonstrator, nor shall any unauthorized attempt so to do in any way affect the legality of the proceedings hereunder.

Improvement may be let in parts.

SECTION 13. That any such free turnpike improvement, hereby authorized, may be petitioned for, located and constructed as a whole at one time, or in parts at different times; provided, no part shall be less than three miles in length, and the first part shall commence at such county seat, and the various parts shall extend over and along state and county roads, or either, and in the general direction herein mentioned, and so as to form a continuous improvement.

SECTION 14. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
297G

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[Senate Bill No. 688.]

AN ACT

To supplement section 2270 of the Revised Statutes.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2270 of the Revised Statutes be supplemented with sectional numbering as follows:

Restrictions on special assessments in certain municipalities (Bucyrus).

Sec. 2270*a*. That in any municipal corporation in this state, having by the federal census of 1890, or that may by any subsequent federal census have a population of not less than 5,970 nor more than 5,980, notwithstanding the provisions of said section 2270, the assessment or tax specially levied, mentioned in said section 2270, and for the purpose therein named, may be an amount not to exceed fifty per centum of the value as assessed for taxation of and upon any lots or lands in any such cities, on which there are no buildings; and on either side of which along the line of the improvement, either mediately or immediately, the lots and lands or a part thereof have been improved.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
298G

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[Senate Bill No. 696.]

AN ACT

To authorize cities of the first grade of the second class to issue certificates of indebtedness of such cities for certain purposes therein named, and to repeal certain provisions of section 2702 Revised Statutes, that apply to said cities.

Councils of certain cities (Columbus) may issue certificates of indebtedness for public work.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, for the purpose of enabling cities of the first grade of second class to postpone the issue of bonds that may be authorized by law for any purpose, until the completion of the work for which such issue is required, the councils of said cities, upon the recommendation of the boards of public works of such cities, may by general ordinance authorize the auditors, comptrollers, or other financial officers as the case may be, of said cities to issue from time to time as such

work progresses, to raise money to pay the estimates for the costs and expenses of such work as they may become due and payable, certificates of indebtedness of such cities, as hereinafter set forth.

Such certificates issued in anticipation of revenues.

SECTION 2. That the councils of said cities, upon the recommendation of the boards of public works thereof, may by general ordinance authorize the said auditors, comptrollers, or other financial officers as the case may be, of said cities from time to time to issue certificates of indebtedness of such cities, as hereinafter set forth, in anticipation of the revenues of such cities, and not to exceed in the aggregate the amount of such revenues, for the purpose of borrowing such sums of money as may be necessary to meet expenditures under the appropriation of each current year.

Must not exceed aggregate of revenues.

Certificates: by whom signed.

Interest: when payable, etc.

SECTION 3. The certificates of indebtedness herein authorized shall be signed by the mayors and said auditors, comptrollers, or other financial officers as the case may be, of said cities; shall bear such rate of interest as said councils in said ordinances may determine, not to exceed, however, six per centum per annum; and shall be payable upon call out of the proceeds of the bonds or the revenues in lieu, or in anticipation, of which they may be issued and the moneys arising from the issue of such certificates shall be applied exclusively for the purpose for which such certificates may be issued. Such certificates shall be first offered to the commissioners of the sinking fund of such cities, and if not taken by them shall be sold by such auditors, comptrollers or other financial officers, at not less than par to the highest bidder, after the sale thereof has been advertised for a period of ten days in a newspaper published and of general circulation in the said cities, said sale, however shall not take effect until approved by said boards of public works; and said ordinances may authorize said auditors, comptrollers, or other financial officers as the case may be, of said cities, in case of failure to sell said certificates of indebtedness as herein provided, to issue said certificates at par to the creditors of said cities in payment of the estimates and claims held by them in the discharge of which the moneys, that would have arisen had said certificates sold, would have been applied.

Certificates must be first offered to sinking fund commission.

When offered to creditors of city.

Certain statute shall not apply, etc.

SECTION 4. That the provisions of section 2702 of the Revised Statutes of Ohio shall not apply in cases where said cities are authorized by law to sell bonds or levy assessments in order to pay for any improvement, and in all cases where the provisions of said section 2702 are inconsistent with the provisions of this act; and to the extent herein mentioned, the provisions of said section 2702 are repealed but not otherwise.

SECTION 5. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
299G

[Senate Bill No. 698.]

AN ACT

To amend section 1483 of the Revised Statutes of Ohio.

Officers of civil townships:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1483 of the Revised Statutes of Ohio be amended so as to read as follows:

When trustees may condemn material, etc.

Sec. 1483. When the trustees are unable to purchase of, or contract with, the owner of any gravel bank, gravel bed, or other deposit of gravel, or the owner of any stone, timber, or other material, in the judgment of the trustees necessary for the construction, or repair of any road, improved road, or highway within the township, upon fair and equitable terms, or in case the owner refuses to sell or contract with the trustees, for the sale of such material, upon the trustees agreeing to allow a just and reasonable compensation thereof, then they are authorized and empowered to condemn, and such authority to so contract, sell, agree and condemn shall extend to any or all townships within the county in which said trustees are elected, or appointed in pursuance of law, or within any township of any adjoining county, for public use, said material, in such quantities as, in their judgment, the public needs require, allowing the owners therefor a just and equitable compensation for the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
300G

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[Senate Bill No. 699.]

AN ACT

To permit the use of armories by farmers' institutes in certain counties.

Armories may be used by farmers' institutes, in certain counties (Ashland).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county of the state which at the federal census of 1890 had a population of not less than 22,220 nor more than 22,230, or which at any subsequent federal census may have such population, farmers' institutes shall be granted the privilege of holding their meetings in armories, erected by such counties for the use of Ohio national guards, without cost for room rent, provided meetings do not interfere with the purpose for which said armories were erected.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
301G

work progresses, to raise money to pay the estimates for the costs and expenses of such work as they may become due and payable, certificates of indebtedness of such cities, as hereinafter set forth.

Such certificates issued in anticipation of revenues.

SECTION 2. That the councils of said cities, upon the recommendation of the boards of public works thereof, may by general ordinance authorize the said auditors, comptrollers, or other financial officers as the case may be, of said cities from time to time to issue certificates of indebtedness of such cities, as hereinafter set forth, in anticipation of the revenues of such cities, and not to exceed in the aggregate the amount of such revenues, for the purpose of borrowing such sums of money as may be necessary to meet expenditures under the appropriation of each current year.

Must not exceed aggregate of revenues.

Certificates: by whom signed.

SECTION 3. The certificates of indebtedness herein authorized shall be signed by the mayors and said auditors, comptrollers, or other financial officers as the case may be, of said cities; shall bear such rate of interest as said councils in said ordinances may determine, not to exceed, however, six per centum per annum; and shall be payable upon call out of the proceeds of the bonds or the revenues in lieu, or in anticipation, of which they may be issued and the moneys arising from the issue of such certificates shall be applied exclusively for the purpose for which such certificates may be issued. Such certificates shall be first offered to the commissioners of the sinking fund of such cities, and if not taken by them shall be sold by such auditors, comptrollers or other financial officers, at not less than par to the highest bidder, after the sale thereof has been advertised for a period of ten days in a newspaper published and of general circulation in the said cities, said sale, however shall not take effect until approved by said boards of public works; and said ordinances may authorize said auditors, comptrollers, or other financial officers as the case may be, of said cities, in case of failure to sell said certificates of indebtedness as herein provided, to issue said certificates at par to the creditors of said cities in payment of the estimates and claims held by them in the discharge of which the moneys, that would have arisen had said certificates sold, would have been applied.

Interest: when payable, etc.

Certificates must be first offered to sinking fund commission.

When offered to creditors of city.

Certain statute shall not apply, etc.

SECTION 4. That the provisions of section 2702 of the Revised Statutes of Ohio shall not apply in cases where said cities are authorized by law to sell bonds or levy assessments in order to pay for any improvement, and in all cases where the provisions of said section 2702 are inconsistent with the provisions of this act; and to the extent herein mentioned, the provisions of said section 2702 are repealed but not otherwise.

SECTION 5. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
299G

[Senate Bill No. 698.]

AN ACT

To amend section 1483 of the Revised Statutes of Ohio.

Officers of civil townships:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1483 of the Revised Statutes of Ohio be amended so as to read as follows:

When trustees may condemn material, etc.

Sec. 1483. When the trustees are unable to purchase of, or contract with, the owner of any gravel bank, gravel bed, or other deposit of gravel, or the owner of any stone, timber, or other material, in the judgment of the trustees necessary for the construction, or repair of any road, improved road, or highway within the township, upon fair and equitable terms, or in case the owner refuses to sell or contract with the trustees, for the sale of such material, upon the trustees agreeing to allow a just and reasonable compensation thereof, then they are authorized and empowered to condemn, and such authority to so contract, sell, agree and condemn shall extend to any or all townships within the county in which said trustees are elected, or appointed in pursuance of law, or within any township of any adjoining county, for public use, said material, in such quantities as, in their judgment, the public needs require, allowing the owners therefor a just and equitable compensation for the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
300G

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[Senate Bill No. 699.]

AN ACT

To permit the use of armories by farmers' institutes in certain counties.

Armories may be used by farmers' institutes, in certain counties (Ashland).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county of the state which at the federal census of 1890 had a population of not less than 22,220 nor more than 22,230, or which at any subsequent federal census may have such population, farmers' institutes shall be granted the privilege of holding their meetings in armories, erected by such counties for the use of Ohio national guards, without cost for room rent, provided meetings do not interfere with the purpose for which said armories were erected.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
301G

pany, or both, or whether the office or station of which he has charge is a general commercial office, a railroad telegraph office only, or otherwise, to fail, neglect, or refuse on tender of the usual or regular charge at regular commercial offices, to receive from any persons so delayed, any telegram tendered during that time for transmission, or to send the same direct, to the person and point designated forthwith, and without any alteration, revision or approval of any person, and any such telegraph operator failing to observe or violating any of the provisions of this section, shall be fined not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00), and stand committed until the fine and costs are paid, and if such violation arose from observing any order or rule of his employer, his employer shall repay to him such fine and costs, and the same may be recovered in a civil action.

Penalty.

SECTION 4. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
303G

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[House Bill No. 972.]

AN ACT

To amend section 3887 of the Revised Statutes.

Classification of districts, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3887 of the Revised Statutes be amended so as to read as follows:

City districts of second class.

Sec. 3887. Each city of the second class, having a population of less than ten thousand, by the last preceding census, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a school district, to be styled a city district of the second class.

Repeals.

SECTION 2. That said original section 3887 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
304G

[House Bill No. 992.]

## AN ACT

To amend section 1129 of the Revised Statutes of Ohio, as amended March 27, 1889.

County treasurer:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1129 of the Revised Statutes of Ohio, as amended March 27, 1889, be so amended as to read as follows:

Examinations of county treasury.

Sec. 1129. An inspection and thorough examination of all books, vouchers, accounts, moneys, bonds, securities and other property in the treasury of the county, shall be made by the auditor and commissioners thereof as often as every six months in each year, and the probate judge shall, once every six months, or oftener, if he deem it necessary or whenever he is requested so to do in writing by one or more of the bondsmen of the treasurer; and on the day and at the time the treasurer turns over his office and its effects to his successor in office, without notice to any one, he shall appoint, in writing, under the seal of said court, two competent and trustworthy accountants of opposite politics, neither of whom shall have held the office of treasurer or been a clerk in any county office during the two years next preceding such appointment; provided, that persons who have served as examiners under the provisions of this section shall not again be appointed until the expiration of three years, who, after being sworn to faithfully perform the duties imposed upon them, shall forthwith, without previous notice or intimation to the county treasurer or any other person, of such intended inspection and examination, enter the county treasury, present their authority aforesaid, to the county treasurer, who upon demand, shall open the vaults and safes of the treasury and said examiners shall proceed immediately to count the money therein and inspect and examine the books, records and vouchers thereof, and after having counted the money, inspected and examined the books, records and vouchers, found therein, make due entry of the same, after which the said examiners shall proceed forthwith to the office of the county auditor and there ascertain how much money the county treasurer stands charged with on the auditor's books. Said auditor shall furnish such accounts with a statement of the exact amount of money, property, bonds, securities, assets and effects, also how much belongs to each particular fund and should be in said treasury; the said accountants shall certify the exact amount of money in the treasury, together with the amount belonging to each particular fund, also all property, bonds, securities, vouchers, assets and effects as aforesaid, in writing, in triplicate, one copy of which certificate shall be recorded in the books of the treasury, and filed by the treasurer in his office, and one copy shall be recorded and filed by the auditor of the county; one copy thereof shall be duly reported to the probate court and be entered of record therein, a copy of which shall be furnished by the probate judge for publication one week, in two newspapers

of opposite politics, of general circulation in the county in which such examination is made, and said accountants so appointed and performing the duties therein required, shall be paid five dollars per day for the time necessary to the performance of the same, out of the county treasury, on a warrant drawn by the county auditor and approved by the certificate of said court, particularly specifying the duty performed and the said probate judge is further authorized to direct said examiners at least once a year and oftener if he deems it necessary to make an examination of the auditor's office, including all records, books, accounts and vouchers in said office, and report as herein directed in the examination of the county treasury, and the auditor of state is also authorized, when, from information filed in his office, or from other cause, he deems it necessary for the safety and security of the public funds, to appoint a competent accountant, who shall, in like manner, proceed to examine the county auditor's office, or if so directed also the county treasury, and count the funds therein, and have the same powers and receive the same compensation, to be paid in the same manner as examiners appointed by a probate judge, and in addition thereto his necessary expenses incurred, to be approved by the auditor of state, and such examiner shall, immediately after ascertaining the condition of the county treasury, and the amount of money therein, certify the same in the manner aforesaid, and file one copy of the certificate with the county auditor, and one with the county treasurer, and transmit one copy to the auditor of state, to be filed in his office, and the county treasurer and county auditor shall submit the offices, books, safes, moneys, papers, and effects thereto belonging, to the inspection of such examiner or examiners on demand, provided, that in counties in which the county treasurer is also city treasurer by virtue of law, the examination herein provided for shall embrace the funds belonging to the city, and the city clerk or city auditor shall perform the same duties herein required of the county auditor, any officer or person violating any of the provisions of this section shall be fined in any sum not exceeding one thousand nor less than one hundred dollars, or be imprisoned in the penitentiary not more than five years, or both, at the discretion of the court.

Repeals, etc.

SECTION 2. Said section 1129, as amended March 27, 1889, is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.

305G

[House Bill No. 1084.]

## AN ACT

**To authorize the trustees of the sinking fund in cities of the first grade of the first class to be the custodian of certain funds and bonds.**

Sinking fund trustees in certain cities (Cincinnati) to be custodians of funds held as security for performance of contracts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade, of the first class, whenever any municipal officer or board has control over any money or bonds held as security for the performance of a contract, such money or bonds shall be turned over to the trustees of the sinking fund of said city, to be kept, managed and accounted for, according to the agreement in each case, provided, however, that if in the opinion of the board of city affairs of any such city or their successors in office the bonds or sureties may be safely returned in whole or in part to the contractors for whom such bonds are now held in trust by such board; such board, before the said bonds shall be returned shall exact such terms and conditions as shall in every respect protect the interest of such city in relation to all contracts for which such bonds are now held as security. It shall be the duty of the trustees of the sinking fund of said city, upon resolution and proper vouchers from such board or officer, to receive such money or bonds, and they shall have power to invest all such moneys in bonds of the city of Cincinnati, of the state of Ohio, or of the United States, to collect the interest on said bonds, and upon order of such board or officer pay over the same, and sell all or such part of said bonds as such board or officer, may order, and pay out the proceeds thereof upon orders of such board, or officer, to the parties lawfully entitled to receive the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
306G

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[House Bill No. 1151.]

## AN ACT

**For the relief of Mary Estella Saltsman.**

Preamble.

WHEREAS, On the 19th day of April, 1889, Mary Estella Saltsman, five years of age, daughter of Wm. A. Saltsman of Salineville, Columbiana county, Ohio, fell through an open and unguarded window in the dome of the state capital building at Columbus, alighting on a stone projection about eighteen feet below, dislocating her shoulder, fracturing the skull and otherwise bruising and injuring her person; and,

WHEREAS, After almost two years of the best medical

attendance obtainable the indications are that the accident will result in a permanent physical and mental disability; and,

WHEREAS, The expense made necessary in consequence of this accident has already been very large, and with the prospects of a permanent life responsibility the charge become oppressively burdensome; and,

WHEREAS, Since councils of municipalities as well as various other boards of officials are legally and justly held accountable in damages for injuries received to persons and property by neglect on the part of said officials to provide methods of warning and means of protection against danger or injury, equity would seem to suggest that the state ought to recognize any responsibility it enforces on its subordinate officials; therefore,

Appropriation for Wm. A. Saltsman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund not otherwise appropriated, the sum of twenty-five hundred ($2,500) dollars, to be paid to Wm. A. Saltsman in full payment of all claims for damages in the above described case; and the auditor of state is hereby directed to issue his warrant on the state treasurer, in favor of said Wm. A. Saltsman for said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
307G

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[House Bill No. 1623.]

## AN ACT

For the relief of J. B. Klunk of battery D, 1st regiment of artillery, O. N. G.

Appropriation for J. B. Klunk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio, be, and he is hereby, authorized and directed to issue his warrant on the state treasury to pay to J. B. Klunk of Toledo, Lucas county, Ohio, seven hundred fifty dollars ($750.00), out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated; said J. B. Klunk, being a private in battery D, 1st regiment of artillery, Ohio national guard, and having been grievously wounded while in the discharge of his duty, under orders, and through no fault of his, by the premature discharge of a gun in camp at Put-in-Bay, in July, 1890, and which wound has resulted in the partial loss of one of his hands, said seven hundred fifty dollars, shall be paid to him in full liquidation and payment of all claims by reason of said wound and the loss resulting therefrom.

SECTION 2. That this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
308G

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[House Bill No. 1652.]

AN ACT

To authorize villages containing artesian wells to provide an efficient system of drainage for surface water and water flowing from such wells.

Village councils empowered to provide for drainage from artesian wells.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any village within this state, containing or having within its corporate limits any artesian or flowing well or wells, the council thereof shall have, and hereby is vested with the power to cause and provide for the efficient drainage of any and all streets, alleys and public grounds within such village, by conducting said surface water and water flowing from such wells, in, across and along said streets, alleys and public grounds, in such manner and by such means as council may determine, by resolution and other proceedings, as in the case of sidewalks, as now provided by law. And council shall have and exercise the same powers in relation to the construction and maintenance of the drains and drainage provided for in this act, as is now possessed and exercised by such council in relation to the construction and maintenance of sidewalks in villages. Provided that council may in its discretion, if deemed equitable and advisable so to do, cause to be paid out of the street improvement fund of such village, any part of the cost and expense of so constructing and maintaining such drains and drainage.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
309G

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[House Bill No. 1701.]

AN ACT

To authorize incorporated villages having at the federal census of 1890 a population of not less than 685 nor more than 690 or which may at any subsequent federal census have a population of not less than 685 nor more than 690 to appoint a city solicitor.

Certain village (Mt. Victory) may appoint city solicitor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any incorporated village having at the last federal census of 1890 a population of not less than 685 nor more

than 690 or which may at any subsequent federal census have a population of not less than 685 nor more than 690 may appoint a city solicitor and pay the compensation out of the police fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
310G

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[House Bill No. 1721.]

AN ACT

To amend section 4197 of the Revised Statutes.

Statute of frauds and perjuries:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4197 of the Revised Statutes of Ohio, be so amended as to read as follows:

Effect of loan of goods, and possession, without record, for five years.

Sec. 4197. Where goods and chattels remain for five years in the possession of a person, or those claiming under him, to whom a pretended loan thereof has been made, they shall be deemed the property of such person, unless a reservation of a right to them is made to the lender in writing, and the instrument recorded within six months after the loan is made, in the recorder's office of the county where one or both of the parties reside, or unless such instrument is filed as provided by law with respect to chattel mortgages. Provided that where a loan of goods and chattels shall be or has heretofore been made, to any art museum association within this state, such reservation of a right to such goods and chattels, may be so made and recorded at any time within five years from the date of said loan.

Repeals, etc.

SECTION 2. Said original section No. 4197 is hereby repealed, and this act shall be in force from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
311G

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[House Bill No. 1745.]

AN ACT

To amend section 2271 of the Revised Statutes of Ohio, as amended April 3, 1889.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2271 of the Revised Statutes as amended April 3, 1889, be so amended as to read as follows:

Limitation of

Sec. 2271. In cities of the first grade of the first class,

and in corporations in counties containing a city of the first grade of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section twenty-two hundred and seventy-two, exceed twenty-five per centum of the value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and except as provided in section twenty-two hundred and seventy-two, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of the property on which the assessment is made; and in other cities of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section twenty-two hundred and seventy-two, exceed twenty-five per centum of the value of such lot or land, as determined in advance by the common council, which valuation shall not exceed a fair market value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section twenty-two hundred and seventy-two, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of the property on which the assessment is made; and in cities of the third grade, first class, said tax or assessment shall not in any case exceed twenty-five per centum of the value of such lot or land after the improvement is made, and such value shall not be determined in advance, nor by the common council; and whenever any street or avenue is opened, extended, straightened, or widened, the special assessment for the cost and expense, or any part thereof, shall be assessed only on the lots and lands bounding and abutting on such part of said street or avenue so improved, and shall include of such lots and lands only to a fair average depth of lots in the neighborhood, but shall also include other lots and parts thereof and lands to such depth; and whenever at least one-half in width of any street or avenue has been dedicated for such purpose from the lots and lands lying on one side of the line of such street or avenue, and such street or avenue is widened by taking from lots and lands on the other side thereof, no part of the cost and expense thus incurred shall be assessed upon the lots and lands lying on said first mentioned side, but only upon the other side, and as aforesaid, but said special assessment shall not be in any case in excess of benefits; provided that in any case in which a street or avenue is opened, extended, straightened, or widened, a part of the cost and expense thereof, not in excess of benefits, may be assessed upon the lots and lands bounding and abutting on any such other part, or said "first mentioned side," of such street or avenue, or of any intersecting street or avenue, as the owners of a majority of the feet front thereof have petitioned for such improvement and consented in such petitions to be so assessed; also provided, that nothing in this section contained shall apply to any improvement ordered, commenced or completed prior to the passage of this act.

assessments in certain cities; Cincinnati.

Other cities first class.

Toledo.

Repeals, etc.

SECTION 2. That section 2271, as amended April 3, 1889, be and the same is hereby repealed; and this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
312G

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[House Bill No. 1752.]

AN ACT

To repeal an act authorizing the issue of bonds for sewer purposes in certain cities, passed March 17, 1891, and a portion of an act to provide for the improvements of streets and alleys in certain cities, passed March 24th, 1891.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to authorize cities of the third grade, of the second class, having a population at the last federal census of seventeen thousand five hundred and sixty-five, to issue bonds for sewer purposes," passed March 17th, 1891, and so much of an act entitled "An act to provide for the improvements of streets and alleys in cities of the third grade, of the second class, having a population at the last federal census of seventeen thousand five hundred and sixty-five, and in cities of the fourth grade, of the second class, having a population at the last federal census of nine thousand and ninety," as is applicable to cities of the third grade, of the second class, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
313G

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[House Bill No. 1776.]

AN ACT

To amend section 32 of an act entitled "An act to provide a more efficient government for the cities of the second grade of the first class," passed March 16th, 1891.

Municipal code for Cleveland:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 32 of the above named act be and the same is hereby amended to read as follows:

Mayor's private secretary.

Sec. 32. The mayor shall have a private secretary to be appointed by himself, without the advice and consent of the

council, who shall receive such compensation as the council shall prescribe; and said private secretary shall act as secretary to the board of control hereinafter created. The mayor may also appoint, without the advice and consent of the council, such clerks and employes as the council may provide to aid him in the discharge of his official duties, and the mayor shall appoint all officers provided by law heretofore appointed or elected by the council, not otherwise provided for in said original act to which this is amendatory. Any act conflicting with this section shall be deemed superseded, abrogated and repealed so far as this act is concerned, but not otherwise.

Other appointments by mayor.

SECTION 2. That said original section 32 be and the same is hereby repealed and this act shall take effect from its passage.

Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
314G

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[ House Bill No. 1789.]

AN ACT

To amend section 719 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 719 of the Revised Statutes be amended to read as follows:

Asylums for the insane:

Sec. 719. The taxable costs and expenses to be paid under the provisions of this chapter shall be as follows: To the probate judge with whom the affidavit is filed, the sum of two dollars for holding an inquest; for each warrant, certificate, or subpœna, he necessarily issues, the same fees as are allowed by law to the clerk of the court of common pleas for similar services; and the amount of postage on all communications to and from the superintendent which the judge is required to pay; to the medical witness who makes out the certificate, two dollars and witness fees, such as are allowed by law in other cases; to the witnesses and constables, the same fees as are allowed by law for like services in other cases; to each person employed by the probate judge to commit a lunatic to the county infirmary, seventy-five cents per day; to the jailer for keeping an idiot or insane person, thirty-five cents per day; to the sheriff or other person than an assistant, for taking an insane person to the asylum, or removing one therefrom upon the warrant of the probate judge, mileage at the rate of ten cents per mile, going and returning, and seventy-five cents per day for the support of each patient on his journey to or from the asylum, and to each assistant five cents per mile, and nothing more; the number of miles to be computed in all cases by the nearest route traveled; the costs specified in this section shall be paid out of the county treasury, upon the certificate of the probate judge. Provided, that

Costs and fees in inquests of insanity.

in counties containing a city of the first class, second grade, when it shall be made to appear to the probate judge that the condition of the patient makes the same necessary, he shall make an order authorizing the sheriff to provide a conveyance for said patient; and the same shall be taxed in the bill of cost, and paid as other costs in the case.

Repeals.

SECTION 2. That original section 719 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
315G

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[House Bill No. 1791.]

AN ACT

To amend section 1647 Revised Statutes.

Surrender of powers, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1647 Revised Statutes be and the same is hereby amended so as to read as follows:

Collection and disbursement of taxes.

Sec. 1647. Taxes which at the time of such surrender remain due and unpaid shall be collected and the same and all moneys in the treasury of the city, village or hamlet shall be applied to the objects for which they were raised; and in case any moneys remain in hand after the debts and liabilities of the corporation are discharged, they shall be paid into the treasury of the village or hamlet, or into the common school fund of the district, embracing such corporation as the case may be; and all property owned by the corporation at the time of the surrender shall become the property of the new corporation, or of the school district, as the case may be and the title thereto vest accordingly; but in case of re-incorporation, under the same name of all, or a portion of the original territory, before the taxes previously paid or levied shall have been disbursed, all moneys and property shall vest in such new corporation.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
316G

[House Bill No. 1794.]

# AN ACT

To amend section eleven of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension (fund) to provide and distribute such fund for the pensioning of disabled firemen, and the widows, and minor children, and the dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class," (84 O. L. p. 102), passed March 16, 1887.

Boards of trustees of firemen's pension fund in certain cities:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 11 of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension (fund) to provide and distribute such fund for the pensioning of disabled firemen, and the widows, and minor children, and the dependent mothers and fathers of deceased firemen, in cities of the third grade of the first class and of the third grade of the second class," be so amended as to read as follows:

Beneficiaries of such fund.

Sec. 11. If any member of the fire department of any such city shall, while in the performance of his duty, become or be found upon an examination of a medical officer ordered by said board or committee having control of the fire department, to be physically or mentally permanently disabled, and such disability shall have been caused in, or induced by the actual performance of the duties of his position as such member, so as to render necessary his retirement from all service in the said fire department, such board or committee shall have power to retire such permanently disabled member from all service in the said fire department, and upon such retirement the said board of trustees shall authorize the payment to such permanently disabled member, monthly, from the said pension fund, upon the order of the city clerk, the sum of twenty-five dollars in cities of the third grade of the second class, and forty dollars in cities of the third grade of the first class. If any member of the said fire department shall, while in the performance of his duty, be killed, or die of the effects of an injury thus received, or of any disease thus contracted, or while retired, die from any such cause, such member so killed, or dying from said injuries or disease, [and] shall leave a widow, or minor child or children under sixteen years of age, or a mother who depended upon him for support, said board of trustees shall authorize and direct the payment from the said pension fund of the following sums monthly, to-wit: To such widow, while unmarried, twenty dollars, to the guardian of such minor child or children, six dollars for each of said children until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother until she remarries; and in case there is no dependent mother, but a father who is dependent upon such member for support, such dependent father shall be paid the same sum monthly provided herein to be paid to a dependent mother; provided, however, that if at any time there should not be sufficient money or bonds to the credit of the said pension fund to pay to each person entitled to the benefit thereof, the full amount per month as hereinbefore stated, then and in that event, an

Payment to.

equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

Repeals.

SECTION 2. That the original section eleven be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
317G

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[House Bill No. 1795.]

AN ACT

To supplement section four thousand eight hundred and seventy-six (4876) of the Revised Statutes.

Repair of improved roads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand eight hundred and seventy-six (4876) of the Revised Statutes of Ohio be supplemented with supplementary sectional numbering as follows:

Repair of national road in certain county (Muskingum)

Sec. 4876*a*. The national road in any county which at the federal census of the year one thousand eight hundred and ninety (1890) had or which at any subsequent federal census may have a population of not less than fifty-one thousand (51,000) and not more than fifty-two thousand (52,000) may upon order of the board of county commissioners of such county duly entered upon the journal of such board be kept in repair as provided in this chapter; provided, however, that nothing in this section shall limit or impair the powers conferred or duties imposed upon the commissioners by sections forty-nine hundred and thirty-one (4931) to forty-nine hundred and thirty-five, both inclusive, of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
318G

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[House Bill No. 465.]

AN ACT

To amend section 7016 of the Revised Statutes of Ohio.

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7016 of the Revised Statutes be so amended to read as follows:

Compelling employes to purchase at certain places penalty for.

Sec. 7016. Whoever compels, or in any manner seeks to compel, or attempts to coerce, an employe of any person, firm or corporation to purchase goods or supplies from any particular person, firm or corporation, shall be fined not more than one hundred nor less than twenty dollars, or imprisoned not more than sixty days or both. And whoever sells goods or supplies of any kind, directly or indirectly, to his employe, or pays the wages, or any part of the wages of labor to his employes in goods or supplies of any kind, directly or through the intervention of scrip, order or other evidence of indebtedness, at higher prices than the reasonable or current market value in cash of such goods or supplies, or whoever, without an express contract with his employe, deducts or retains the wages or any part of the wages of such employe for ware, tools or machinery destroyed or damaged, shall be liable to like punishment and penalties above specified, and shall in addition thereto, be liable in civil action to the party aggrieved, in double the amount of any charges made for such ware, tools and machinery in the one case, and in the other case, for such goods or supplies, in excess of the reasonable or current market value in cash, of such goods or supplies.

Payment of laborers in scrip, orders, etc., or goods at excessive prices.

Penalty.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
319G

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[House Bill No. 1757.]

AN ACT

Supplementary to section 2 of an act entitled "An act supplementary to and amendatory of title 12 of the Revised Statutes of Ohio," passed March 26, 1891.

Municipal code for certain cities (Cincinnati).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled, "An act supplementary to and amendatory of title 12 of the Revised Statutes of Ohio," passed March 26, 1891, be supplemented with sectional numbering as follows:

Expenses board of review: by whom paid, etc.

Sec. 2*a*. Three-fifths of the amount of the salary of each of the members of the board of review, and of the secretary of said board, shall be paid out of the county treasury upon the order of the board of review, and the salaries of all assessors and assistants and other officers, agents and employes, employed in the discharge of duties conferred upon either the annual board of equalization or upon the annual board of equalization when convened as a board of revision or upon the decennial board of equalization, prior to the passage of said act of March 26, 1891, to which this act is supplementary, and all costs and expenses of every kind arising out of the discharge of duties connected therewith and pertaining to the valuation

and equalization of property for taxation shall be paid out of the county treasury, upon the order of said board of review, but all other salaries, parts of salaries, costs and expenses shall be paid out of the city treasury upon the order of the board of review, and the county commissioners shall furnish a suitable place of meeting for said board of review.

SECTION 2. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
320G

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[House Bill No. 1758.]

AN ACT

Supplementary to section 2293 of the Revised Statutes.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-two hundred and ninety-three (2293) of the Revised Statutes be supplemented with sectional numbering as follows:

Board of administration of cities first grade, first class (Cincinnati), may contract for keeping streets in repair for certain period.

Sec. 2293*e*. That the board of administration of any city of the first grade of the first class, shall have full and final authority to, and may at any time whenever and as often as in its judgment the best interests of the city will be so subserved, contract in the manner hereinafter stated for the keeping in repair for a period not exceeding ten (10) years, any of the streets of such city. Whenever said board determines to contract for such repairs as to any of said streets, it shall adopt specifications showing the period for which such contract is to be made, the street or streets to be included therein, and the nature of the work to be done thereunder, and shall advertise in some newspaper of general circulation within said city for a period of thirty days for sealed proposals to perform such work, and shall contract with the lowest responsible bidder to perform said contract, or shall reject all such proposals. Said board may require the bidders to give such security as it may think proper that they respectively will execute the contract if the same be awarded to them, and shall require the successful bidder to give security to the satisfaction of said board for the performance of such contract provided that such security shall not be less in value than the cost as estimated by said board of administration of the repairs to be made under such contract if the same shall not exceed five years, and otherwise than said costs estimated as aforesaid during the first five years of such contract. The certificate required by sections 2699 and 2702 of the Revised Statutes shall not be required with reference to such contracts; and in lieu thereof, the board of adminis-

tration shall forthwith upon the making of any such contract and annually thereafter, during the existence thereof, certify to the auditor of every such city a careful estimate of the amount to be expended under such contract for the ensuing year, and also, in all of said subsequent years, a statement of any deficiency that may have arisen as to the preceding year by reason of an under-estimate therefor, and not have been paid to such contractor, the sums so certified shall forthwith be charged against the fund from which repairs to streets are paid, and shall not thereafter be considered unappropriated until the contractor shall have been paid in full from said fund, or other funds of said city, the sums accrued and accruing to him under such contract, up to the expiration of the year for which such estimate is made.

SECTION 2. This act shall take effect and be in force from and after the ninth day of May, A. D. 1891.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
321G

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[House Bill No. 1787.]

AN ACT

To authorize the trustees of certain townships, in counties containing a city of the first grade, second class, to levy tax for road purposes.

Township trustees in certain counties (Cuyahoga) may levy tax for repair of roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in the counties of this state, containing a city of the first class, second grade, are hereby authorized if they so desire, to levy a tax on all the taxable property in their respective townships, not exceeding three mills on the dollar of the valuation of said property, for any one year, to be collected as other taxes, and used for the express purpose of repairing and improving the roads in the several townships in said county.

SECTION 2. This act shall take effect and be in force on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
322G

[House Bill No. 1788.]

AN ACT

To provide for the creation of a sinking fund for street improvement bonds in cities of the second grade of the first class.

Redemption of street improvement bonds in certain cities (Cleveland).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities of the second grade of the first class, shall have power to provide for the creation of a sinking fund for the redemption of street improvement bonds, and to that end, moneys arising from special assessments may be placed in the hands of the commissioners of the sinking fund for investment, subject to such rules and regulations as the council may by ordinance prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
323G

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[Senate Bill No. 18.]

AN ACT

To amend section 3999, Revised Statutes of Ohio.

School-houses and libraries:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3999 of the Revised Statutes be and the same is hereby amended so as to read as follows:

In certain cities board of education may appoint board of managers of library.

Sec. 3999. In cities not having less than twenty thousand inhabitants, the board of education having custody of any public library therein, may, at any regular meeting, adopt a resolution providing for a board of managers of such library and shall thereupon elect, by ballot, two persons to serve as members of such board for a term of three years, two persons to serve for a term of two years, and two persons to serve for a term of one year; and annually thereafter two persons shall be elected to serve for a term of three years; all vacancies in such board shall be filled by the board of education by ballot, and a person so elected shall serve during the unexpired term of his predecessor; the president of the board of education shall be a member of the board of managers ex-officio; and the board of managers shall at all times be amenable to and under the control of the board of education, as to tenure of office and authority, and shall serve without compensation; provided, however, that in cities of the first grade of the first class, the board of managers of the public library therein is hereby abolished, and a board of trustees of such library shall be appointed as follows, viz: the board of education of the

Board of trustees of library in certain cities (Cincinnati).

school district of such city, the union board of high schools, and the board of directors of the university of such city shall each by ballot appoint two persons to serve for a term of three years each as members of a board of trustees of said public library, and at the expiration of each term of three years, said boards shall each likewise make appointments for the succeeding three years. All vacancies in said board of trustees of said library shall be likewise filled, by the board making the appointment vacated, to serve for the remainder of the term thus unexpired. The president of the board of education of such school district, shall be ex-officio a member of said library board, and otherwise, no member of any board exercising the appointing powers herein conferred shall be appointed as a member of said library board.

Repeals.

SECTION 2. Original section 3999 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
324G

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[House Bill No. 1803.]

AN ACT

Authorizing corporations or individuals in certain cities to construct and operate electric light plants in connection with electric street railroads.

Electric power and light plant may be operated in connection with street railroad in certain cities (Mansfield).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city which at the last federal census had or which at any subsequent federal census may have a population of not less than 13,400 nor more than 13,600 may grant permission to any corporation, individual or individuals to construct and operate an electric power and light plant in connection with any street railroad operated by them, and may prescribe the terms of constructing and operating the same, and such cities may renew any such grants at their expiration upon such conditions as may be considered conducive to the public interests.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
325G

[Senate Bill No. 670.]

AN ACT

Making disposition of the direct tax fund.

Direct tax re-imbursement: how disposed of.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of one million, three hundred and thirty-two thousand, twenty-five dollars and ninety-three cents ($1,332,025.93), received from the treasury of the United States as the portion of the state of Ohio of the direct tax re-imbursement to the several states by act of congress, approved March 2, 1891, entitled "An act to credit and pay to the several states and territories and the district of Columbia all moneys collected under the direct tax levied by the act of congress, approved August fifth, eighteen hundred and sixty-one," having been placed in the state treasury and designated as the "direct tax trust fund," be and the same is hereby permanently transferred and placed to the credit of the following named funds in the state treasury, to-wit: To the sinking fund, the sum of one million of dollars ($1,000,000); to the general revenue fund, the sum of three hundred and thirty-two thousand, twenty-five dollars and ninety-three cents ($332,025.93). The amount herein transferred to the sinking fund shall be appropriated only to pay the funded debt of the state, and the interest on the irreducible debt of the state, which constitutes the school, ministerial indemnity fund, Ohio university and Ohio state university, and the authorized mortgage and bonded debt of the Ohio state board of agriculture as such debts and other liabilities or installments thereof become due or can be redeemed, and in case such debts or installments thereof can not be paid or redeemed before the same becomes due, the amount transferred, or any surplus thereof shall be invested by the sinking fund commissioners, as shall be directed by law.

Repeals, etc.

SECTION 2. Section 3 of an act entitled "An act authorizing the commissioners of the sinking fund to borrow money for the purpose of redeeming outstanding certificates of indebtedness and making appropriations to meet the same (O. L., vol. 84, page 167)," passed March 21, 1887, and section 3 of an act entitled "An act authorizing the commissioners of the sinking fund to borrow money for the purpose of redeeming outstanding bonds, and for making disposition of any money received from the general government for the direct tax, and to provide for the expenses that may be incurred in collecting the same," (O. L. 85, page 263), passed April 14, 1888, be and are hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 30, 1891.
330G

[Senate Bill No. 373.]

AN ACT

To provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named.

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter elections of all public officers, except school directors, in the state of Ohio shall be conducted in accordance with the provisions of this act.

Secretary of state to furnish forms, etc., for guidance of county boards of elections.

SECTION 2. In addition to the duties now imposed on him by law, the secretary of state shall prepare and furnish forms for the guidance of the county boards of elections, for all the blanks, cards of instruction, including poll-books and tally-sheets, certificates of nomination and designs, provided for hereinafter for the conduct of elections in this state.

The secretary of state is hereby authorized and required to collate and publish all the election laws in force applicable to the conduct of elections. There shall be four thousand copies of such collation of laws printed, three thousand five hundred to be bound in paper, and five hundred to be bound in cloth, and the same to be distributed in proportion to the number of voting precincts in each county, such distribution to be made through the county boards of election.

## COUNTY BOARDS OF ELECTIONS.

Appointment, term, etc., in certain counties.

SECTION 3. On or before the first Monday in July next ensuing after the passage of this act, except in counties containing cities of the first class, the probate judge in each county in the state shall appoint a county board of elections, consisting of four persons, who are qualified electors of such county, two of whom shall be appointed for one year, and two of whom shall be appointed for two years, and annually thereafter the probate judge shall appoint two members of said board for two years. Two of the members of said board, one for the long and one for the short term, shall be selected from the political party which cast the highest number of votes in this state at the last preceding November election, and two from the political party which cast the next highest number of votes. All vacancies shall be filled, and all appointments to new terms shall be made from the political party to which the vacating member belonged, unless there be a third political party casting a greater number of votes in this state than did the party to which the retiring member

Vacancy.

[Senate Bill No. 670.]

AN ACT

Making disposition of the direct tax fund.

Direct tax re-imbursement: how disposed of.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of one million, three hundred and thirty-two thousand, twenty-five dollars and ninety-three cents ($1,332,025.93), received from the treasury of the United States as the portion of the state of Ohio of the direct tax re-imbursement to the several states by act of congress, approved March 2, 1891, entitled "An act to credit and pay to the several states and territories and the district of Columbia all moneys collected under the direct tax levied by the act of congress, approved August fifth, eighteen hundred and sixty-one," having been placed in the state treasury and designated as the "direct tax trust fund," be and the same is hereby permanently transferred and placed to the credit of the following named funds in the state treasury, to-wit: To the sinking fund, the sum of one million of dollars ($1,000,000); to the general revenue fund, the sum of three hundred and thirty-two thousand, twenty-five dollars and ninety-three cents ($332,025.93). The amount herein transferred to the sinking fund shall be appropriated only to pay the funded debt of the state, and the interest on the irreducible debt of the state, which constitutes the school, ministerial indemnity fund, Ohio university and Ohio state university, and the authorized mortgage and bonded debt of the Ohio state board of agriculture as such debts and other liabilities or installments thereof become due or can be redeemed, and in case such debts or installments thereof can not be paid or redeemed before the same becomes due, the amount transferred, or any surplus thereof shall be invested by the sinking fund commissioners, as shall be directed by law.

Repeals, etc.

SECTION 2. Section 3 of an act entitled "An act authorizing the commissioners of the sinking fund to borrow money for the purpose of redeeming outstanding certificates of indebtedness and making appropriations to meet the same (O. L., vol. 84, page 167)," passed March 21, 1887, and section 3 of an act entitled "An act authorizing the commissioners of the sinking fund to borrow money for the purpose of redeeming outstanding bonds, and for making disposition of any money received from the general government for the direct tax, and to provide for the expenses that may be incurred in collecting the same," (O. L. 85, page 263), passed April 14, 1888, be and are hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 30, 1891.

330G

[Senate Bill No. 373.]

AN ACT

To provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named.

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter elections of all public officers, except school directors, in the state of Ohio shall be conducted in accordance with the provisions of this act.

Secretary of state to furnish forms, etc., for guidance of county boards of elections.

SECTION 2. In addition to the duties now imposed on him by law, the secretary of state shall prepare and furnish forms for the guidance of the county boards of elections, for all the blanks, cards of instruction, including poll-books and tally-sheets, certificates of nomination and designs, provided for hereinafter for the conduct of elections in this state.

The secretary of state is hereby authorized and required to collate and publish all the election laws in force applicable to the conduct of elections. There shall be four thousand copies of such collation of laws printed, three thousand five hundred to be bound in paper, and five hundred to be bound in cloth, and the same to be distributed in proportion to the number of voting precincts in each county, such distribution to be made through the county boards of election.

## COUNTY BOARDS OF ELECTIONS.

Appointment, term, etc., in certain counties.

SECTION 3. On or before the first Monday in July next ensuing after the passage of this act, except in counties containing cities of the first class, the probate judge in each county in the state shall appoint a county board of elections, consisting of four persons, who are qualified electors of such county, two of whom shall be appointed for one year, and two of whom shall be appointed for two years, and annually thereafter the probate judge shall appoint two members of said board for two years. Two of the members of said board, one for the long and one for the short term, shall be selected from the political party which cast the highest number of votes in this state at the last preceding November election, and two from the political party which cast the next highest number of votes. All vacancies shall be filled, and all appointments to new terms shall be made from the political party to which the vacating member belonged, unless there be a third political party casting a greater number of votes in this state than did the party to which the retiring member

Vacancy.

belonged, at the next preceding November election, in which event said vacancy shall be filled from said third party. But all appointments shall be made from the two parties casting the highest and next highest number of votes; not more than two members of such board shall belong to the same political party; provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last previous November election recommend qualified persons, then the probate judge shall appoint such persons so recommended to the number to which such party is entitled, but if no such recommendation is made, then the probate judge shall make such appointment agreeably to the provisions herein contained. A member of the county board of elections may be removed by the probate judge for misfeasance or malfeasance in office or for any other good and sufficient cause, except when the appointments are made by the mayor of any city having power to appoint members of boards of elections, in which case the mayor may remove any member of the board for similar or sufficient cause.

How appointments to be made.

When member of board may be removed.

City board to act as county board in certain counties.

In counties containing cities of the first class, the board of elections heretofore provided for such cities by section 2926b of the Revised Statutes, shall, in their respective counties, constitute the county boards of elections provided by this act, and shall hereafter be selected as in said section provided.

Boards in cities second class: powers and duties.

In counties containing cities of the second class, the boards of elections heretofore provided for said cities, shall have the powers and be subject to the duties prescribed in section twenty-nine hundred and twenty-six of the Revised Statutes, and supplemental sections, as heretofore amended, except that all the returns of the November election shall, in such counties, be made to the county boards of elections as hereinafter provided; and, in addition thereto, such boards shall, in the conduct of municipal elections, have all the powers and duties, and be subject to all the provisions, penalties, and requirements of the county boards of elections prescribed in this act.

Probate judge to notify secretary of state of all appointees.

The probate judge, immediately upon the appointment of the county board of elections, and upon filling any vacancy in such board, shall notify the secretary of state, giving him the full name and post-office address of all such appointees. And when such board organizes, the president thereof shall immediately notify the secretary of state of the name and post-office address of the clerk of such board.

## ORGANIZATION AND COMPENSATION.

When board to organize.

SECTION 4. In all counties, except counties containing cities of the first class, the board of elections shall, at least thirty days previous to the November election in each year, meet in the office of the county commissioners and organize by electing one of their number as president, and a resident elector of such county other than a member of the board as clerk, both of which officers shall continue for one year, and until their successors are elected and qualified. And the

balloting for such officers shall commence at or before one o'clock P. M. on the day of convening, and at least one ballot shall be taken every thirty minutes until such board is organized. And if, after ten ballots, no person shall be agreed upon as president, the oldest member of such board shall act as president for the ensuing year. And, if, after a like number of ballots, no person is agreed upon as clerk, the clerk shall be selected by lot from among those balloted for. The clerk of such board shall be paid a salary, in quarterly installments, not to exceed one hundred dollars ($100) per year, which compensation shall be fixed by the county board of elections. At such meeting for organization, such board may remain in session not more than two days for the purpose of such organization, for the purpose of receiving instructions from the secretary of state as to their duties, and may at such time provide for the publication of the notice for bids for printing as hereinbefore required. Such board shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties herein prescribed may require. For attending all meetings of the board, the members thereof shall receive as compensation the sum of two dollars a day, not to exceed twenty days in any one year, and mileage at the rate of five cents a mile going to and returning from the county seat, if the distance be more than one mile.

Salary of clerk of board.

Bids for printing.

Compensation of members of board.

## COMPENSATION HOW PAID.

SECTION 5. The compensation provided for in the preceding section, and all expenses arising for printing and distributing ballots, cards of explanation to officers of the election and voters, blanks and all other proper and necessary expenses, shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet such expenses. The expense of printing and delivering ballots and cards of instruction in local elections shall be a charge upon the city, town, village or political division in which such local election shall be held.

Compensation of members and expenses of board to be paid by the county.

Exceptions.

## THE PRINTING OF BALLOTS.

SECTION 6. The printing provided for in the foregoing sections, except poll-books and tally-sheets, shall be let to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in two leading papers of opposite politics published in such county. The person to whom the contract for printing the tickets is let, shall, in the presence of the clerk of the board of county elections, seal up securely in packages, one for each precinct in the county, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the county board of elections at such time as the said board may direct.

Printing, care and disposition of ballots.

## DELIVERY OF BALLOTS AND INSTRUCTIONS.

Meeting of judges of election with county board to receive instructions, etc.

SECTION 7. Not less than three days before any general election the county board of elections shall summon the presiding judges of election in each precinct in such county, to appear before the board of elections and receive the necessary blanks, poll-books, tally-sheets, necessary certificates, cards of instructions and ballots for such precincts, and shall deliver to such judge the sealed packages of ballots, blanks, poll-books and other required papers; provided, however, that in cities of the first and second classes, when the presiding judge or chairman is chosen at the meeting of the registrars and judges of election, on the evening preceding any November election, pursuant to section 2926*n* of the Revised Statutes, or on the Saturday evening preceding any April election, it shall be the duty of such judge, immediately after such meeting, to call at the office of the board of elections for such packages; and provided further, that in any city of the first grade of the first class, the board of elections may, by resolution, provide for the distribution of the ballots through the agency of the police force of such city.

Duties of judges in cities of first and second class.

Ballots may be distributed by police in certain cases.

## WHEN BALLOTS ARE LOST OR DESTROYED.

How ballots replaced when lost.

SECTION 8. If, by any accident or casualty, the ballots or other required papers delivered to any judge of elections or other messenger shall be lost or destroyed, it shall be the duty of such person in custody to report the loss at once to the county board of elections from which the same were obtained, and make affidavit of the circumstances of the loss, whereupon such board shall at once re-supply such person. In case such person in custody fail or refuse to report and make proof of the loss, any qualified elector may do so, and thereupon such board shall at once send a new supply by special messenger, as provided in other cases.

Penalty for failure to report loss.

At the opening of the polls in each precinct, the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding officer.

Cards of instruction.

The cards of instruction shall, immediately, be placed in each voting shelf or compartment, provided in accordance with this act for the marking of the ballots, and in such other places as the election officers may determine upon.

Extra ballots: how procured.

In case no ballots shall have been delivered at any polling place before the opening of the polls, or if extra ballots shall at any time during the time the polls remain open, be required, it shall be the duty of the county board of elections, upon a requisition in writing signed by a majority of the election judges of such precinct, wherein the reasons for demanding such ballots shall be fully set out, to secure the same as speedily as possible, and, if necessary, such board may have extra ballots printed; provided, however, that such ballots shall conform, as nearly as possible, to the original ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots.

## JUDGES AND CLERKS.

Appointment, term, etc., of judges and clerks of elections.

SECTION 9. At least ten days before the annual November election there shall be appointed by the county board of elections in all precincts in which the voters are not registered, four judges and two clerks of election, as hereinafter provided, who shall constitute the board of election officers of such precinct, who shall be residents of such precinct, and the county board of elections shall designate one of such judges to act as the presiding judge. The terms of the judges and clerks shall cease and determine at the end of one year from the date of their appointment, at which time, and annually thereafter, the board of elections shall appoint their successors to a similar term of office, agreeably to all the provisions of this act.

Not more than two judges and not more than one clerk shall belong to the same political party or organization.

Ex-officio judges: who are, in municipalities.

In municipalities, the councilmen shall be ex-officio judges of election; provided, that in case more than two councilmen belonging to the same political party or organization be residents of the same election precinct, the county board of elections may designate which of the councilmen shall serve as judges of election in such precinct.

In township precincts.

In township precincts the clerk of the township shall be, ex-officio, a clerk of election of the precinct in which he resides, and the trustees of the townships shall be ex-officio judges of election; except that in townships not divided into election precincts, if all the trustees be of the same political party, those two only whose terms expire in one and two years shall be, ex-officio, judges of such precinct.

Vacancy in office of judge or clerk: how filled.

If at the opening of the polls in any precinct there shall be a vacancy in the office of clerk or judge of election, the same shall be filled by the electors present and from the political party which is entitled to such vacant office under the provisions of this act.

Compensation of judges and clerks other than in cities having boards of registration.

The judge of election called by the county board of elections to receive the blanks, poll-books, tally-sheets, ballots, cards of instruction, and other documents shall receive one dollar for such service, and, in addition thereto, mileage at the rate of five cents per mile to and from the county seat, if he lives more than one mile distant therefrom. And the judge of election carrying the returns of the precinct to the county board of elections, shall receive like compensation. The judges and clerks shall each receive as compensation the sum of one dollar and fifty cents for each election. Provided, however, that in cities where registration is required the compensation of judges and clerks of election shall remain as now fixed by law.

In cities having registration boards.

## OATH OF OFFICE.

Oath of members of county boards.

SECTION 10. The members of the county boards of elections shall, before any proper official authorized to administer oaths, take and subscribe to the following oath, which shall be filed with the clerk of the court of common pleas:

*State of Ohio*, ——— *County*, *ss.*:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and perform the duties of a member of the county board of elections of ——— county to the best of my ability.

Signed, ———

Sworn to and subscribed before me this —— day of —— in the year ——

———

[*Title of officer.*]

Oath of clerk of county board.

The clerk of the county board of elections shall take and subscribe to the following oath, which shall be filed with the clerk of the court of common pleas:

*State of Ohio*, ——— *County*, *ss.*:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and discharge the duties of clerk of the county board of elections for ——— county to the best of my ability, and preserve and keep all records, documents and other property pertaining to the conduct of elections placed in my custody.

Signed, ———

Sworn to and subscribed before me this —— day of —— in the year ——

———

[*Title of Officer.*]

Oath of clerks and judges of elections.

The clerks and judges of election shall take and subscribe to the following oath, which shall be filed with the clerk of the county board of elections:

*State of Ohio*, ——— *County*, *ss.*:

I do solemnly swear that I will support the constitution of the United States and of the state of Ohio, and to the best of my ability discharge the duties of judge ——, —— clerk —— of the election in and for precinct——, —— township, ——— county, at the next ensuing election, and I further solemnly swear that if in the discharge of my official duties I gain knowledge as to how any elector voted at said election I will not disclose the same.

Signed, ———

Sworn to and subscribed before me this —— day of —— in the year ——

———

[*Title of Officer.*]

## CHALLENGERS—HOW APPOINTED.

Challengers: appointment and duties.

SECTION 11. Two challengers may be appointed by the precinct committeeman of each political party having candidates to be voted for at such election, who shall be admitted to the polling place for the purpose of challenging electors in such precincts where the votes are not registered, and they may

keep tally of the electors voting, and who shall serve without compensation from the county, city, village or township, and who shall take the following oath, administered by one of the judges of election:

Oath of challenger.

"You do solemnly swear (or affirm) that you will support the constitution of the United States and of this state; that you will faithfully and impartially discharge the duties as official challenger, assigned by law; that you will not cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector; and that you will not disclose or communicate to any person how any elector has voted at such election."

Who may be challenged.

Any voter may [be] challenge[d] for cause by either of the challengers, judges or clerks of the election, and if he be so challenged, he shall establish his right to vote as is now provided by law.

When elector may challenge, and how.

Any elector of the precinct may send a written notification over his own signature of challenge to the right of any person or persons to vote, setting forth the reasons thereof to the judges of election, and such person or persons may be challenged as hereinbefore provided.

## NOMINATIONS OF CANDIDATES.

How nominations to be made.

SECTION 12. Nominations of candidates for public office may be made as herein provided, and when not invalidated or withdrawn, the names of such candidates shall be printed on the ballots.

Any convention, or any caucus or meeting of qualified electors, or any primary election held by such electors, or any central or executive committee representing a political party, may make one nomination for each office to be filled at the following election, and such nomination to be valid, must, as hereinafter provided, be certified to the proper officers. Every such certificate of election or nomination shall state such facts as are in this act required for its acceptance, and shall be signed by the proper officers of such convention, caucus, meeting, primary election or committee, who shall add thereto their places of residence, and shall be sworn to by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination or election. Such certificate may also state the names and address of a committee of such political party, and whether such committee has power to fill vacancies which may occur in such list of nominees.

Certificate of nomination: what to contain.

Nomination papers: required number of signatures; what to contain, etc.

Nominations of candidates for any state, county or city office may be made by nomination papers, signed in the aggregate for each candidate by not less than five hundred, one hundred or fifty qualified electors of the state, county or city, respectively. Nominations of candidates for other offices may be made by nomination papers, signed in the aggregate for each candidate by qualified electors of the district or division for which such candidates are nominated, not less in

number than one for every two hundred persons who voted at the next preceding annual election in such district or division. Signers of such nomination papers may insert in them the names and addresses of such persons as they desire, to the number of five, as a committee, who may fill vacancies caused by death or withdrawal. Each elector signing a nomination paper shall add to his signature his place of residence, and each elector may subscribe to one nomination for each office to be filled, and no more. One of the signers to each such separate paper, shall swear that the statements therein are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed.

Must be verified by oath.

All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, (1) the office for which he is nominated; (2) the party or political principle which he represents expressed in not more than three words; (3) his place of residence, with street and number thereon, if any.

## FILING OF CERTIFICATES.

Where certificates of nominations to be filed.

SECTION 13. Certificates of nomination and nomination papers for the nomination of candidates for state offices shall be filed with the secretary of state not less than thirty days previous to the day of the election at which the candidates are to be voted for. Such certificates and papers for the nomination of candidates for county, township and municipal offices, and offices to be filled by the electors of any district lying within a county shall be filed with the election boards of the respective counties, and for offices to be filled by the electors of a district or circuit composed of two or more counties, with the clerk of the county board of elections for the county containing the greatest number of inhabitants, as ascertained by the last federal census, not less than twelve days previous to the day of election; provided, that in cities having election boards, certificates for the nomination of city officers may be filed with such city boards, not less than eight days previous to the day of such election; and all certificates of nomination and nomination papers, when filed, shall be open, under proper regulation to public inspection, and the boards of elections shall preserve the same in their respective offices.

To be open to public inspection.

Objections as to validity of nominations: who to decide.

The certificates of nomination and nomination papers being so filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing, within five days after the filing thereof. Such objections or other questions arising in relation to the nominations of candidates for state offices shall be considered by the secretary of state, and his decision shall be final. Such objections or questions arising in the course of nominations of candidates for county or city offices, shall be considered by the county or city board of elections, respectively, (and in the case of offices to be filled by the electors of a district or circuit composed of two or more counties, by a board to be composed of the presidents of the boards

of elections of the several counties composing said district or circuit, which boards shall meet at the office of the board of elections of the county which contained the greatest number of inhabitants at the last federal census,) and its decision shall be final.

When to be submitted to court of common pleas.

In case no decision can be arrived at by the county board, the matter in controversy shall be submitted to one of the judges of the court of common pleas, and if the board can not otherwise agree, such judge shall be chosen by lot. Such judge shall summarily decide the question thus submitted to him, and his decision shall be final.

Vacancy on ticket: how filled.

Should any person so nominated die, withdraw or decline the nomination, or should any certificate of nomination be insufficient or imperfect, the vacancy thus occasioned may be filled in the manner required for original nominations, but must be certified to the state board of elections [secretary of state] twenty (20) days, or to the county board of elections twelve (12) days previous to election day. If, when the original nomination was made, there was delegated to a committee the power to fill vacancies, it may proceed to fill the same. The chairman and secretary of such committees shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomination, and shall, upon being filed with the state board [secretary of state], at least twenty (20) days, or with the county board twelve (12) days before election, have the same force and effect as an original certificate of nomination.

Device on ticket: who to select.

If the certificate of nomination of any state convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the state, such figure or device shall be so used until changed by request of a subsequent state convention of the same party. Such device may be the figure of a star, an eagle, a plow or some such appropriate symbol, but the coat of arms or seal of the state or of the United States, the national flag, or any other emblem common to the people at large, shall not be used as such device.

Nominations, when made, to be certified to certain officers.

Immediately upon the expiration of the time within which certificates of nomination may be filed with him, the secretary of state shall certify copies of all the certificates so filed to the clerks of the county boards, and the clerk of the county board of the district or circuit with whom the certificate of district or circuit nominations has been filed, shall immediately certify the same to the clerks of the boards of election in all the other counties in such district or circuit.

## FORM OF BALLOTS.

Ballots: what to contain.

SECTION 14. Every ballot intended for the use of electors, which shall be printed in accordance with the provisions of this act, shall contain the names and the party or political designation of all candidates whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith.

Form and arrangement of ballot.

The arrangement of the ballot shall, in general, conform as nearly as is practicable to the plan hereinafter given, and the devices named and lists of candidates of the various parties shall be printed in parallel columns, in such order as the secretary of state may direct, precedence, however, being given to the party which polled the higher number of votes for the head of the ticket in the next preceding election.

As to constitutional amendment, etc.

Whenever the approval of a constitutional amendment or other question is to be submitted to a vote of the people, such question shall be printed on the ballot after the list of candidates. The ballots shall be so printed as to give to each elector a clear opportunity to designate by a cross mark (X) in a blank inclosed space at the left hand of, or within the lines inclosing the name of each candidate, his choice of candidates and his answer to the question submitted.

Endorsements.

On the back shall be printed "official ballot," the date of the election, and fac-similes of the signatures of the members of the board which has caused the ballot to be printed.

Ballots to be printed with stubs, perforated and bound.

They shall be printed on the same leaf with a double stub and separated therefrom by a perforated line, and shall be bound, with the stubs attached thereto, into books, one for each voting precinct, which book shall contain at least twice as many ballots as there were votes cast at such precinct at the preceding election. Upon the covers of such books shall be printed the designation of the precinct for which the ballots have been prepared.

What to be printed on stub of ballot.

The main stub shall be printed as follows: Consecutive numbers—(After these words the consecutive numbers shall be printed, beginning with one, and increasing in regular numerical order); provided, however, that any county board may direct that such consecutive numbers shall not be printed, but shall be written by the ballot officer before delivering the ballot to the elector.

Name of voter—(After these words the clerk shall set down the voter's name).

Residence—(After this word the clerk is to set down the voter's residence).

Consecutive number .....

Name of voter .....

Residence .....

| DEVICE. | DEVICE. | DEVICE. |
|---|---|---|
| DEMOCRATIC TICKET. | REPUBLICAN TICKET. | PROHIBITION TICKET. |
| For Governor, JOHN DOE. | For Governor, RICHARD ROE. | For Governor, THOMAS JONES. |
| For Auditor of State, | For Auditor of State, | For Auditor of State, |
| | | |

Ballots to be printed on plain white paper, etc.

All ballots shall be printed on the best quality of plain white newspaper, in black ink, in brevier type, the name or designation of the office in lower case and the name of the candidate therefor in capital letters, with a space of at least one-fifth of an inch following each name. If upon any ticket there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left.

## BOOTHS.

Booths, guard-rails and voting shelves.

SECTION 15. The county boards of elections shall cause the polling places in their respective counties to be suitably provided with a sufficient number of voting shelves, at which electors may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes or of such voting shelves. The arrangement shall be such that neither the ballot-boxes nor the voting shelves shall be hidden from view of those outside the said rail. The number of such voting shelves shall not be less than one for every seventy-five electors qualified to vote at such polling place. No person other than the judges of election and such officers as are provided for by the statutes of this state or of the United States, and electors admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, for the purpose of keeping order and enforcing the law. Each voting shelf shall be kept provided with proper supplies and conveniences for marking the ballots.

Who permitted within rail.

## CASTING THE BALLOT.

Preparation of the ballot.

SECTION 16. Any person desiring to vote and legally entitled to vote at such election shall give his name and residence to the election officer holding the ballots, who shall write the same upon the main stub of the ticket in the blank places provided therefor. Such officers shall then mark upon the secondary stub the elector's registered number, in all precincts in which a registration law is in force, and in all other precincts the elector's full name.

One of the election officers shall then detach the ballot, with the secondary stub attached, from the main stub and shall hand it to the elector, and the elector shall be allowed to enter the place inclosed by the guard-rail. The officer shall give him one, and only one ballot.

Marking of ballot by elector.

On receipt of his ballot the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the voting shelves, as provided, and shall prepare his ballot by marking in the appropriate margin or place, a cross mark (X) immediately preceding the name of the candidate of his choice for each office to be filled, and in case of a question submitted to the vote of the people, by marking in the appropriate margin

or place, a cross mark (×) against the answer which he desires to give. Should any elector desire to vote for each and every candidate of one party he shall make a cross mark (×) before the name of that party in the blank space provided therefor; provided, however, that if a cross mark (×) be made before the name of any party, and a cross mark be also made before the name of one or more candidates of a different party or parties, the vote shall be counted for the candidates so marked, and not for the candidates for the same office of the party so marked; but the vote shall be counted for the other candidates under such party name or designation.

When ballots shall not be counted.

If the elector mark more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice. Nothing in this act contained shall be so construed as to prevent a voter from voting for any qualified person other than those whose names are printed on the ballots, for any office to be filled, by writing in black pencil mark or ink, under the designation of the office, the name of such person and placing before such name a cross (×) mark. All markings upon the ballots shall be made by black lead pencil or ink.

Name of person not on ballot may be inserted, etc.

Ballot must be folded.

SECTION 17. Before leaving the voting shelf, the elector shall fold his ballot without displaying the marks thereon, except the indorsements, and the fac simile of the signatures of the members of the board of election must be disclosed.

Receiving the ballot.

One of the election officers shall receive the ballot, detach the secondary stub bearing the elector's registered number or name, and deposit the ballot in the ballot-box. The secondary stubs shall be preserved until the polls are closed and shall then be destroyed, before the ballot-box is opened. He shall mark and vote his ballot without undue delay, and shall leave said inclosed place as soon as he has voted. No such elector shall be allowed to occupy a voting shelf already occupied by another, or to occupy a voting shelf for more than five minutes, in case all such shelves are in use and electors are waiting to occupy the same, or to speak to, or to converse with any one, except as herein provided, while within such guard rail. No elector, not a judge of elections, shall be allowed to re-enter said inclosed place during said election. No more electors shall be allowed to enter within said rail at any one time than there are voting shelves provided. It shall be the duty of the judges of elections to secure the observance of the provisions of this section.

Occupation of voting shelf limited to five minutes, etc.

Ballots not voted must be returned; when new ballots may be supplied.

Every elector who does not vote a ballot delivered to him by the ballot officer shall, before leaving the polling place, return such ballot to such officer. If any elector soil or deface a ballot so that it can not be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so soiled or defaced.

When elector unable to mark his ballot.

Any elector who declares to the presiding judge of election, that for any reason he is unable to mark his ballot, shall,

## WHO SHALL FURNISH BALLOT-BOXES.

Purchase, care and custody of ballot-boxes.

SECTION 19. It shall be the duty of the precinct boards of election to furnish all the ballot-boxes necessary in their respective precincts, and the precinct election boards shall take into their care and custody all the ballot-boxes and equipments necessary at their respective polling places, and preserve them until demanded by the county board, and they shall have care and custody of the same, and direct in whose custody they shall remain after an election. The trustees of townships and city or village councils shall turn over to the precinct election board the ballot-boxes they now have in their possession. Provided that in cities where registration is required the purchase and care of ballot-boxes to be used at any election held within such cities shall devolve upon the respective boards of elections of such cities.

## DIVISION OF PRECINCTS.

How and when precincts may be divided.

SECTION 20. When five hundred votes or more have been cast at the last preceding election in any precinct, the county board of elections shall give ten days' notice at least thirty days prior to an election, by publication in two leading papers of opposite politics published in the county, that the same is to be divided into two or more precincts, on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned by the board, the matter of dividing said precinct as near equally in voters as possible shall be heard, considered and determined by the board, and if said board can not agree, the question shall be submitted to the probate judge, upon a written statement of such disagreement, signed by at least two members of the board, who shall forthwith determine the same. Provided that nothing in this section contained shall be construed to affect the powers and duties of city boards of elections, in reference to the division of election precincts within such cities, as provided in section 2926 of the Revised Statutes.

## PENALTIES.

Penalty for exposing ballot, false statements, deception, etc.

SECTION 21. Any elector who shall, except as otherwise herein provided, allow his ballot to be seen by any person, with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any election officer who shall deceive any elector in marking his ballot, or mark the same in any way other than as requested by such elector, under the provisions of this act, or any person who shall interfere, or attempt to interfere, with any elector when inside said enclosed place, or when marking his ballot, or shall attempt to speak or converse with any person while within the guard-rail, except as herein provided, or who shall endeavor to induce any elector, after voting, to show how he has marked his ballot, shall be punished by a fine of not less than ten dollars, nor more than five hundred dollars, or by imprison-

ment in the jail not more than six months, or by both such fine and imprisonment.

For destroying nomination certificates, etc.

Any person who shall falsely make or willfully deface or destroy any certificate of nomination, or nomination papers, or any part thereof, or any letter of withdrawal, or sign any such certificate or paper contrary to the provisions of this act, or file any certificate of nomination, or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official indorsement on any ballot, or shall purposely mark his ballot in such a manner that it may be identified after it has been cast, or willfully destroy or deface any ballot, or shall take or remove or be found in the possession of any ballot outside of the inclosure provided for voting before the close of the polls, or willfully delay the delivery of any ballots, shall be punished by a fine of not less than twenty-five ($25) dollars, and not more than one thousand ($1,000) dollars, or imprisonment in jail not more than one year, or by both fine and imprisonment.

Malfeasance by election officers or other person.

Any member of the county board of elections, or any judge or clerk of election, or printer or other person entrusted with the custody of ballots, blanks, poll-books, cards of instruction or other required papers, who shall open any of the packages in which the ballots are contained, or permit any of said packages to be opened, or shall unlawfully misplace or carry away any such ballot or ballots, blanks, poll-books, cards of instruction or other required papers, or permit them or any of them to be destroyed, except as in this act provided, or give or deliver any such package or ballot, blank, poll-book, card of instruction, or other required paper to any person not lawfully entitled to receive them as in this act provided, shall be punished by a fine of not less than twenty-five ($25) dollars, and not more than one thousand ($1,000) dollars, or by imprisonment in jail not more than one year, or by both such fine and imprisonment.

Penalty.

Any public officer upon whom a duty is imposed by this act who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects, or willfully disobey any provision of this act, shall be punished by a fine of not less than five dollars nor more than one thousand dollars or by imprisonment in jail not more than one year, or by both such fine and imprisonment.

Misdemeanor to mislead or deceive illiterate voter.

SECTION 22. If any judge mislead an illiterate voter, or voter who is blind, or physically unable to prepare his ballot, or prepare his ballot otherwise than as directed by such voter, he shall be deemed guilty of a misdemeanor, and fined in any sum not less than one hundred nor more than one thousand dollars, and imprisoned in the county jail not less than three nor more than twelve months, and stand committed until fine and costs are paid, and forfeit all right to compensation for services under this act.

Penalty for printing or delivering false or fraudulent ballots.

Any printer of such ballots who knowingly and willfully seals or permits to be sealed up and delivers to the county board of elections, a less number of ballots than the number indorsed thereon, or who knowingly and willfully prints or permits to be printed, or sealed up or who delivers any false, or fraudulent ballots, or ballots printed otherwise than according to the copy of the same furnished him by said board, or who delivers any ballot so printed to any other person or persons than the members of said board, or any person knowingly having possession of such ballot or knowingly attempting to vote other than a lawful ballot, shall be deemed guilty of a misdemeanor, and on conviction thereof before a court of competent jurisdiction, shall be fined not less than two hundred and fifty and not more than one thousand dollars, and be imprisoned for not less than thirty days nor more than six months.

## PENALTY FOR FAILURE TO DISCHARGE OFFICIAL DUTIES.

Nonfeasance of election officer.

SECTION 23. Any person appointed as a clerk, or judge of election, shall serve in that capacity, unless excused by the county board of elections, and upon his failure or refusal to so serve except for cause deemed reasonable by the county board of elections, he shall forfeit and pay not less than ten nor more than fifty dollars, to be recovered at an action at law before a justice of the peace to be instituted by the county board of elections in the name and for the use of the state of Ohio, and all forfeitures under this act shall be placed to the credit of the election fund of the county.

## BRIBERY AND INTIMIDATION.

Bribery.

SECTION 24. Whoever, directly or indirectly by himself or through any other person, either,

1. Gives or lends, or offers or promises to give or lend, or to procure or endeavor to procure, any money or other valuable consideration, to or for any elector, or to or for any other person, to induce any elector to register or refrain from registering for any election, or to vote or refrain from voting at any election, or to vote or refrain from voting at such election for any particular person or persons, or question or proposition, or on account of any such elector having registered or refrained from registering, or voted or refrained from voting, or voted or refrained from voting for any particular person or persons, or question or proposition; or,

2. Gives, offers or procures or promises to procure, or endeavors to procure, any office, place or employment, to or for any elector, or to or for any other person, in order to induce any elector to register, or refrain from registering, for any election, or to vote or refrain from voting at any election, or to vote or refrain from voting at such election for any particular person or persons, or question or proposition; or,

3. Advances or pays, or causes to be paid any money or other valuable thing to or for the use of any other person, with

the intent that the same, or any part thereof, shall be used in bribery at any election, shall be fined not more than five hundred dollars, or imprisoned in the penitentiary not more than three years, or both.

Same.

SECTION 25. Whoever, being an elector, directly or indirectly, by himself or through any other person, receives, agrees or contracts for, before, during or after an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for registering or agreeing to register, or for refraining or agreeing to refrain, from registering for any election, or for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons, or proposition or question, at any election, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

Intimidation.

SECTION 26. Whoever, directly or indirectly, by himself or through any other person, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens to inflict, any injury, damage, harm or loss, or threatens to enforce the payment of a debt against, or to begin a criminal prosecution against, or to injure the business or trade of, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or to vote or refrain from voting for any particular candidate or candidates; or if any employer of laborers, or an agent of such employer, whether a corporation or otherwise, does any of the acts aforesaid, or threatens to withhold or reduce the wages of, or to dismiss from service any employe, in order to induce or compel such employe to vote or refrain from voting for any particular candidate or candidates at any election; and whoever, by any sort of duress, constraint or improper influence, or by any fraudulent or improper device or contrivance, impedes or prevents, or otherwise interferes with the free exercise of the elective franchise of any elector, shall be fined not more than two thousand dollars or imprisoned in the penitentiary not more than three years, or both.

Prosecutions.

SECTION 27. Prosecutions under all the penal sections of this act and of the Revised Statutes appertaining to the conduct of elections, must be commenced within six months after the commission of the act complained of. A person offending against any provision of section 24, 25, or 26 of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing or investigation, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal against the person so testifying. A person so testifying shall not be liable thereafter to indictment, prosecution or punishment, for the offense with reference to which his testimony may be given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution. When a person is convicted of any offense described in section 24

of this act, he shall, in addition to the punishment therein prescribed, forfeit any office to which he may have been elected at the election with reference to which such offense was committed, and when a person is convicted of any offense mentioned in section 25 of this act, he shall, in addition to the punishment therein prescribed, be excluded from the right of suffrage for a period of five years after such conviction.

## REPEALS AND AMENDMENTS.

SECTION 28. That section 1 of an act entitled "An act to provide a board of elections for certain specified counties," passed April 12, 1889 (86 O. L., 258), be and the same is hereby amended so as to read as follows:

Amendment.

Sec. 1. That in any county having within its territory a city of the first class, the board of elections heretofore established in such city shall be the county board of elections; and all the provisions, duties, penalties and requirements contained in section two thousand nine hundred and twenty-six of the Revised Statutes, and supplemental sections as heretofore amended, shall apply, and be in full force as to all elections held in such county, as well as such city, except as herein specified; and the members, secretary, deputy secretary, clerks and assistants of such board shall be electors of the county, and not of the city merely.

Repeals.

SECTION 29. That sections 1252 as amended April 20, 1885 (82 O. L., 166), 1389, 1390, 1391, 1393 as amended March 14, 1889 (86 O. L., 93), 1395, 1398, 1399, 1400, 1401, 1402, 1632*a* as amended February 7, 1885 (82 O. L., 16, 28), 2925, 2928, 2930, 2932 as amended March 14, 1889 (86 O. L., 93), 2932*a*, as passed March 14, 1889 (86 O. L., 93), 2933 as re-enacted April 26, 1890 (87 O. L., 331), 2935, 2936, 2948 as amended April 12, 1889 (86 O. L., 245), 2960 as amended February 7, 1885 (82 O. L., 16, 28), 2963 as amended March 21, 1887 (84 O. L., 217), 2964, 2965, 2969, 2980 as amended February 7, 1885 (82 O. L., 16, 30), 2981, 2982, 2983, 2989, 2994, as amended February 7, 1885 (82 O. L., 16, 30), and 7046 of the Revised Statutes of Ohio, and section 1 of an act entitled "An act to provide a board of elections for certain specified counties," passed April 12, 1889 (86 O. L., 258), and an act entitled "An act to provide for the appointment of distributors of ballots, the printing of ballots, and the distribution thereof at polling places, of cities of the second grade in the first class," passed April 15, 1889 (86 O. L., 329), be and the same are hereby repealed; and all acts or parts of acts, and all sections or parts of sections in conflict with the provisions of this act, are to the extent of such conflict, hereby repealed.

SECTION 30. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 30, 1891.

[Senate Bill No. 412.]

## AN ACT

**To provide for the organization, regulation, and inspection of building and loan associations and to repeal certain laws therein named.**

Building and loan associations: domestic: foreign.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a corporation for the purpose of raising money to be loaned among its members shall be known in this act as a building and loan association. Associations organized under the laws of this state shall be known in this act as "domestic" associations, and those organized under the laws of other states or territories, as "foreign" associations. Associations may be organized and conducted under the general laws of Ohio relating to corporations, except as otherwise provided in this act.

Laws governing.

## ORGANIZATION.

Capital stock: subscription to.

SECTION 2. The capital stock named in the articles of incorporation shall be deemed to refer to the authorized capital, and the organization may be completed and business commenced when five per cent. thereof is subscribed.

Directors.

Directors may be elected for any term, not less than one year nor longer than three years, but if such term be longer than one year, it shall be so arranged that the term of office of an equal number of directors, as nearly as may be, will expire each year.

## POWERS.

Deposits.

SECTION 3. Such corporation shall have power: To receive money on deposit from time to time to the extent necessary to meet the demands made on it by its members and depositors, but shall not pay interest thereon, exceeding the legal rate.

Stock.

To issue stock to members on such terms and conditions as the constitution and by-laws may provide; but no person shall vote more than twenty shares in any such corporation in his own right.

Dues, fines, interest and premium.

To assess and collect from members and depositors such dues, fines, interest and premium on loans made, or other assessments, as may be provided for in the constitution and by-laws. Such dues, fines, premiums or other assessments shall not be deemed usury, although in excess of the legal rate of interest.

Withdrawals.

To permit members to withdraw all or part of their stock deposits at such times and upon such terms as the constitution and by-laws may provide. Any member, however, who withdraws his entire stock or whose stock has matured, shall be entitled to receive all dues paid in and dividends declared, less all fines or other assessments, and less a pro rata share of all losses, if any have occurred.

Cancellations.

To cancel shares of stock upon which all payments have been withdrawn, or upon which loans have been canceled, and re-issue them as new stock.

Stock of minors.

To issue stock to minors and permit the same to be withdrawn as other stock, and the receipt of such minor shall be a valid acquittance, if

Real estate and personal property.

his rights have been fully secured to him. To a
encumber and convey such real estate and perso
as may be necessary for the transaction of it

Borrowing money.

necessary to enforce or protect its securities.
money, not exceeding twenty per cent. of the ass

Loans.

its evidences of indebtedness therefor. To m
members and depositors on such terms, con
securities as may be provided in the constitution

Cancellation of loans.

To cancel such loans and release the securities o
as the board of directors may provide. But
may have his loan canceled upon the follo
to-wit: After the premium for one year ha
and also the interest and premium up to the
cellation, the borrower shall pay the sum actual
less the dues paid and dividends credited. He s
any fines or other assessments required by the

Reserve fund.

or by-laws. To accumulate from the earnings a
the board of directors may determine, a reserve

Dividends.

payment of contingent losses. To make suc
semi-annual distribution of the earnings (afte
penses and setting aside a sum for the reserve fu
after provided), as the constitution and by-laws m

Increase or decrease of capital or face value of shares.

To increase or decrease its authorized capital or t
of its shares at any time, by a majority vote of
directors; and a certificate of such action shall
the president and secretary, and duly filed with

Dissolution.

of state. To dissolve the corporation when its
shall be deemed, by a majority vote of its memb
longer desirable, subject, however, to the vest

Constitution and by-laws.

members. To provide, by constitution adopted
bers, and by-laws adopted by its board of direc

General powers.

proper exercise of the powers herein granted,
duct and management of its affairs. All such
as are necessary and proper to enable such co
carry out the purpose of its organization.

## REGULATIONS. BOND OF OFFICE

Deposit and withdrawal of funds.

SECTION 4. The board of directors shall desi
or banks in which the treasurer shall deposit all
name of such corporation. Such funds can th
drawn only by check signed by the president
secretary, or such other officers as the board of

Treasurer's bank book; expenditures.

designate. The treasurer's bank book shall be
inspection of any director at any time. No pre
retary or other officer shall sign any check unless

Bond of certain officers.

iture has been authorized by the board of direct
cers of such association who have charge or
money, securities, or property, shall give bond be
upon their duties to the satisfaction of the board
for the faithful performance of the same, and the
and proper application of all moneys or property
their hands. All officers of such corporations on be
to office shall renew their bonds. The bond may
or additional sureties required at any time by

directors. Directors shall not be eligible as bondsmen, and shall be individually liable for any loss to members, caused by their neglect to comply with the provisions of this section.

Directors not eligible as bondsmen, etc.

## CONTINGENT FUND.

SECTION 5. The amount to be set aside to the fund for contingent losses shall be determined by the board of directors, but in all permanent or perpetual associations, at least five per cent. of the net earnings shall be set aside each year to such fund until it reaches at least five per cent. of the outstanding loans. All losses shall be paid out of such fund until the same is exhausted, and whenever the amount in said fund falls below five per cent. of the loans as aforesaid, it shall be replenished by annual appropriations of at least five per cent. of the net earnings as hereinbefore provided until it again reaches said amount.

Fund for contingent losses.

## DIVISION OF EARNINGS.

SECTION 6. All expenses of such associations shall be paid out of the earnings only, and so much of the earnings as may be necessary shall be set aside each year for such purpose. But charges incident to a loan, if paid by the borrower, shall not be deemed a part of the current expenses. A portion of the earnings, to be determined by the board of directors, shall also be reserved annually or semi-annually, for the payment of contingent losses, as provided in section five of this act, and the residue of such earnings shall be transferred as a dividend annually, or semi-annually, in such proportion to the credit of all members, as the corporation by its constitution and by-laws may provide, to be paid to them at such time and in such manner in conformity with this act as the corporation by its constitution and by-laws may provide. All losses shall be assessed in the same proportion and manner on all members after the amount in the reserve fund has been applied to the payment of the same.

Earnings: application of.

Dividends.

Losses: apportionment of.

## TAXATION.

SECTION 7. The shares and loans, advanced to its members, shall be exempt from taxation, except shares or stock upon which no loans have been made or money advanced by the company, shall be considered and held as credits, and the said members individually shall list for taxation the number of shares held by them, and the true value thereof in money, on the day preceding the second Monday in April in each year, and the same shall be assessed at such valuation for taxation and taxes as other property.

Taxation of building and loan association stock.

## INSPECTION.

SECTION 8. There is hereby established in the department of insurance a bureau to be known as the bureau of building and loan associations, which shall be charged with

Bureau of building and loan associations.

the execution of the laws of this state relating t
loan associations.

## INSPECTOR, BOND AND TERM OF O

Superintendent of insurance, ex-officio, inspector; compensation; bond; oath.

SECTION 9. The chief officer of said bureau s
as the inspector of building and loan associatio
intendent of insurance, shall, ex-officio, be also
of building and loan associations, and as com
his services as such inspector he shall be entitled
sum of one thousand dollars per annum. Be
upon his duties, he shall give bond to the state
sum of ten thousand dollars, to be approved by
conditioned for the faithful discharge of his d
bond, with his oath of office and the approval o
indorsed thereon, shall be filed with the secreta

## DEPUTIES.

Deputy inspector, etc.

The inspector may appoint a deputy,
authorized to perform the duties attached b
office of inspector, during his absence or disabi
receive a salary of eighteen hundred dollars
shall also appoint such other clerks or examine
provided for by law.

## ADJUTANT-GENERAL TO PROVIDE RO

Duty of adjutant-general.

SECTION 10. The adjutant-general shall pr
accommodations for the conduct of the business
in the office of the superintendent of insurance
the necessary furniture, etc., and the expense
shall be paid out of the state treasury, on the ce
inspector and the warrant of the adjutant-gener

## TO ENFORCE LAWS.

Duty of inspector.

SECTION 11. It shall be the duty of the in
that all the laws of this state, relating to build
associations, are faithfully executed.

## FOREIGN ASSOCIATIONS.

Laws governing foreign associations.

SECTION 12. Foreign building and loan as
ing business in this state, shall conduct the sa
ance with the laws of the state governing dom
tions, and no such association shall do any bu
state until it procures from the inspector a cer
thority to do so. To procure such authority, su
shall comply with the following provisions:

Deposit.

FIRST. It shall deposit with the inspector
thousand dollars, either in cash or bonds of the
or of the state of Ohio, or of any county or m
poration in the state of Ohio, satisfactory to the

Certified copy of charter, etc.

SECOND. It shall file with the inspector a
of its charter, constitution and by-laws, and ot

regulations showing its manner of conducting business together with a statement such as is required annually from all associations.

THIRD. It shall also file with the inspector a written instrument, duly executed, agreeing that a summons may issue against it from any county in this state directed to the sheriff of the county in which the office of inspector is situate, commanding him to serve the same by certified copy personally upon the inspector or by leaving a copy thereof at his office. The inspector shall, however, mail a copy of any papers served on him, postage prepaid, to the home office of such association. Issue of summons.

## CERTIFICATE TO BE ISSUED.

SECTION 13. Whenever such association has complied with the provisions of this act, and the inspector is satisfied that such association is doing business according to the laws of this state, and is in sound financial condition, he shall issue his certificate of authority to such association to do business in this state. Annually thereafter, upon the filing of the annual statement herein provided for, if the inspector shall be satisfied as aforesaid, he shall issue a renewal of such certificate of authority. Certificate of authority to do business.

## ASSOCIATIONS MAY CHANGE SECURITIES AND COLLECT INTEREST.

SECTION 14. Such foreign association may collect and use the interest on any securities so deposited, so long as it fulfills its obligations and complies with the provisions of this act. It may also exchange them for other securities of equal value and satisfactory to the inspector. Collection of interest and exchange of securities.

## SECURITIES LIABLE FOR CLAIMS.

SECTION 15. The deposit made with the inspector shall be held as a security for all claims of residents of this state against said association, and shall be liable for all judgments or decrees thereon, and subjected to the payment of the same in the same manner as the property of other non-residents. Should any association cease to do business in this state, the inspector may release securities in his discretion, retaining sufficient to satisfy all outstanding liabilities. Deposit to be held as security for claims.

## ANNUAL REPORT OF ASSOCIATIONS.

SECTION 16. Every building and loan association doing business in this state shall, annually, at the end of each fiscal year, or within forty days thereafter, make a full and detailed report in writing of the affairs and business of the association for the preceding year, and showing its financial condition at the end of said fiscal year. With the first report made by any association it shall also file a certified copy of its con- Annual reports.

stitution and by-laws, or other rules and regulations its manner of doing business.

## WHAT TO CONTAIN AND WHEN FIL

What annual reports shall contain.

SECTION 17. The statement shall be in such contain such information as may be prescribed b spector of building associations. It shall be sworn secretary, and its correctness attested by at le directors, or an auditing committee appointed by t The original shall be filed with the inspector of associations within forty days after the close of year, and such an abstract thereof as the inspe require shall be posted for sixty days in the office o place of such association, and also published in so regularly issued in the county in which said asso located.

## EXAMINATION OF ASSOCIATIONS.

Inspector shall examine associations: when.

SECTION 18. The inspector, when he has reaso pect the correctness of any statement of an associati business in this state, or that its affairs are in an condition, or that it is not conducting its business i ance with law, may make or cause to be made by s son by him appointed for that purpose, an examina the affairs of such association. The expense of all

Expense of inspection.

tions shall be paid by the associations examined, ex the actual expense of the examination of an as organized under the laws of this state, shall be paid fees paid by such associations to the inspector as her provided.

## ILLEGAL PRACTICES. DUTY WHEN DISCO

Proceedings for revocation of charter for illegal practices.

Should the inspector, upon examination, find an tic association conducting its business in whole o contrary to law, or failing to comply with the law, h notify the board of directors of such association in and if, after thirty days, such illegal practices or fai tinue, he shall communicate the facts to the attorne who shall cause proceedings to be instituted in th court to revoke the charter of such association.

## WHEN IN UNSOUND CONDITION. DUTY INSPECTOR.

Dissolution of association: when proceedings for, shall be instituted.

Should the inspector find, upon examination, affairs of any such association are in an unsound c and that the interests of the public demand the disso such association, and the winding up of its business, so report to the attorney-general, who shall inst proper proceedings for that purpose.

## POWERS OF EXAMINERS.

Examiners: powers of.

SECTION 19. Such examiners shall have access to and may compel the production of all the books, papers, securities and moneys, etc., of the association, under examination. They shall have power to administer oaths to, and examine the officers and agents of such association as to its affairs.

## INSPECTOR MAY PUBLISH RESULT.

Publication of result of examination.

SECTION 20. When the inspector deems it to the interest of the public, he may publish the results of such examination in some newspaper of general circulation in the county in which such association is located, if it be a domestic association, and in some newspaper in the city of Columbus, Ohio, if it be a foreign association.

## MAY CANCEL AUTHORITY OF FOREIGN ASSOCIATIONS.

Authority of foreign association to be canceled for illegal practices.

SECTION 21. Should the inspector find, upon examination, that any foreign association does not conduct its business in accordance with the law, or that the affairs of any such association are in an unsound condition, or if such association refuses to permit examination to be made, he may cancel the authority of such association to do business in this state, and cause a notice thereof to be mailed to the home office of the association, and to be published in at least one newspaper published in the city of Columbus. After the publication of such notice it shall be unlawful for any agent of said association to receive any further stock deposits from members residing in this state, except payments on stock on which a loan has been taken.

## FEES.

Fees to be paid to inspector.

SECTION 22. Foreign building and loan associations shall pay to the inspector the following fees, which shall be paid into the state treasury, to-wit: For filing each application for admission to do business in this state, one hundred dollars. For each certificate of authority and annual renewal of same, fifty dollars; both foreign and domestic associations shall pay to the inspector for filing each annual statement, as follows: If the assets of the association, as shown by the statement filed, amount to $50,000 00 or less, $3.00; if more than $50,000 00 and less than $100,000.00, $5 00; if more than $100,000.00 and less than $250 000.00, $10 00; if more than $250,000.00 and less than $500 000.00, $20.00; if more than $500.000.00 and less than $1,000,000.00, $30.00; and if more than $1,000,000.00, $50.00. For each copy of a paper filed in his office, twenty-five cents per folio. For affixing the seal of office and certifying any paper, one dollar. Provided however, that the inspector may retain from the fees so received by him up to the close of the fiscal year ending November 15, 1892, a sum sufficient to pay the salaries and

necessary expenses of the bureau of building and loan associations up to said time, which sum is hereby appropriated for that purpose.

## SECURITIES TO BE DEPOSITED IN STATE TREASURY.

Cash securities: where deposited.

SECTION 23. All securities of cash deposited with the inspector shall be immediately deposited with the treasurer of state, who, with his sureties, shall be responsible for the safekeeping thereof. The treasurer shall deliver such securities only upon the written order of the inspector of building associations.

## PENALTIES AGAINST ASSOCIATIONS.

Penalties for violation of law by associations.

SECTION 24. It shall be unlawful for any building and loan association to do business in this state without having first complied with the provisions of this act, and any association violating any of the provisions of this act, or failing to comply with any of its provisions, shall be fined not less than fifty nor more than one thousand dollars, to be recovered by an action in the name of the state, and on collection paid into the state treasury; provided, that building and loan associations organized in other states, having heretofore transacted business in this state, which shall not have complied with the provisions of this act, shall have the right to close up their business, and fulfill their contracts, heretofore entered into with citizens of this state, through their duly authorized agents, without being subject to the penalties prescribed by this act.

## PENALTIES AGAINST OFFICERS, AGENTS, ETC.

Penalties for violation of law by officers, agents, etc.

SECTION 25. Every president, director, trustee, member of any committee, secretary, treasurer, attorney or any other officer at any time created, or agent of any such corporation, who embezzles, abstracts or willfully misapplies any of the moneys, funds or credits of such corporation, or who issues or puts into circulation any warrant or other order, or who assigns, transfers, cancels or delivers up any note, bond, draft, mortgage, judgment, decree, or any other written instrument belonging to such corporation, or raises money otherwise, or receives money from any member or other person for and in the name of such corporation, unless duly authorized by the board of directors of such corporation; or who shall sign the name of any person to any order or warrant for the payment of money without proper power of attorney or written order from such person to whose order such warrant or order is made payable; or any member or members of the board of directors who shall vote to declare, or any financial or first secretary of such corporation who shall declare or advise the board of directors of such corporation to declare a greater dividend than what has been actually earned by the corporation, for the purpose of deceiving the people or defrauding the members of such corporation; or who certifies to or makes any false entry on any

book, report, or statement of or to such corporation, with intent in either case to deceive, injure or defraud the corporation or any other company, body politic or corporate, or any individual person, or to deceive any one appointed to examine the affairs of such corporation; and every person who with like intent aids or abets any president, secretary, treasurer, committee or other officer or person in any violation of this section shall be deemed guilty of a felony, and shall be imprisoned not less than one year nor more than ten years, and shall be liable civilly to the party injured, to the extent of such damage thereby incurred, and suit may be brought against such person and the sureties on his bond given to such corporation for the faithful performance of his duty. Any officer whose duty it is, failing to make the reports required by this act, and any officer, employe, or other person, who solicits business for, aids or assists any building and loan association to do business contrary to the provisions of this act, or without having complied with its provisions, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Such fines, when collected, to be paid into the state treasury.

## ANNUAL REPORT OF INSPECTOR.

Inspector must make annual report.

SECTION 26. The inspector shall keep and preserve in permanent form a full record of his proceedings, including a concise statement of each association examined, and he shall, annually, make a report to the legislature of the general conduct and condition of the building and loan associations doing business, in this state, with such suggestions as he may deem expedient. Such report shall also include the information contained in the statements required of the associations, and arranged in tabulated form. He shall also report the names and compensation of the clerks employed by him, the whole amount of the income, the source whence derived, and the expenses in detail, during the year ending on the thirty-first day of December.

## REPEALS.

Repeals.

SECTION 27. Sections 3833, 3834 and 3836 as amended and supplemental sections 3835*a*, 3835*b*, 3835*c*, 3835*d*, 3835*e*, 3835*f*, 3835*g*, 3835*h*, 3835*i* and 3835*j* of the Revised Statutes as amended, or otherwise, are hereby repealed.

SECTION 28. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
327G

[Senate Bill No. 426.]

# AN ACT

**To amend sections 309 and 310 of the Revised Statutes.**

Commissioner of labor statistics:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 309 and 310 of the Revised Statutes of Ohio be so amended as to read as follows:

Powers of commissioner.

Sec. 309. The commissioner shall have power to send for persons and papers, to examine witnesses under oath, to take depositions, to cause them to be taken by others by law authorized to take depositions; and said commissioner may deputize any uninterested person to serve subpœnas upon witnesses, who shall be summoned in the same manner and paid the same fees as witnesses before a county court, but for this purpose persons are not required to leave the vicinity of their residence or place of business, and any person or owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine-shop, manufacturing or other industrial establishment, or any agent or employe of such owner, operator, manager or lessee who shall refuse said commissioner admission therein for the purpose of inspection, or who shall, when requested by him, willfully neglect or refuse to furnish to him any statistics or other information relative to his lawful duties which may be in their possession or under their control, or who shall willfully neglect or refuse, for thirty days, to answer questions by circular or upon personal application, or who shall knowingly answer any such questions untruthfully, or who shall refuse to obey the subpœnas and give testimony according to the provisions of this act shall, for every such willful neglect or refusal be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Annual report.

Sec. 310. The commissioner shall make an annual report to the general assembly of the work done by the bureau. Said report shall be so compiled [so] as not to expose, without a written consent, the name or private affairs of any person, firm, company or corporation that has furnished such information as the bureau requires.

Repeals.

SECTION 2. That said original sections 309 and 310 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 30, 1891.
328G

[Senate Bill No. 503.]

AN ACT

Prescribing the rate of state taxes, and to repeal an act therein named (Ohio laws, v. 86, p. 376).

Prescribing rate of state taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be levied annually, taxes for state purposes, on each dollar of valuation of taxable property for general revenue purposes, one mill and four-tenths of one mill, the same to be styled the "general revenue fund." For the support of common schools one mill, said fund to be styled the "state common school fund."

Repeals.

SECTION 2. That the act prescribing the rate of state taxes, and to repeal an act therein named, passed April 15, 1889 (O. L. v. 86, p. 376), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 30, 1891.
329G

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[House Bill No. 1116.]

AN ACT

For the relief of Dr. H. J. Herrick, for medical treatment of Lewis Collins, member of the Ohio natural [national] guard.

Appropriation for H. J. Herrick.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the state of Ohio, be and he is hereby authorized and required to issue his warrant on the state treasurer to pay Dr. H. J. Herrick, of Cleveland, Ohio, one hundred and fifty-eight dollars, for medical treatment of Lewis Collins, a member of the Ohio national guard who was severely injured while in the line of duty, out of any money to the credit of "fund for incidental expenses" of military companies.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 30, 1891.
331G

[House Bill No. 1373.]

AN ACT

To provide for clearing the channel of Big Beaver river, to secure outlet for the waste water from the Mercer county reservoir, and advance the interest of the public works.

Appropriation for ditch in channels of Big Beaver and Wabash rivers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated out of any money in the state treasury not otherwise appropriated, the sum of twelve thousand dollars, of which, however, there shall not be drawn nor used to exceed one-third of the total cost of such improvement, to aid in the construction of a ditch in the channel of Big Beaver river and in the channel of the Wabash river between the mouth of said Big Beaver and the Ohio and Indiana state line, commencing in said Big Beaver at the west bank of the Mercer county reservoir and terminating where said Wabash river crosses the Ohio and Indiana state line.

Estimate and apportionment of cost.

SECTION 2. To carry out the provisions of this act the commissioners of Mercer county, Ohio, shall make an estimate of the amount of money necessary, in addition to the amount appropriated in section one of this act, to construct said ditch, and defray the necessary expenses thereof and make an equitable apportionment of the same to the owners of the land benefited by the construction of said ditch, in proportion to the benefit to each of them, and the same shall be levied by the county auditor upon the lands so benefited by entering upon the tax duplicate of said county the amount apportioned to each tract of land, to be paid in such installments as said commissioners may determine, and shall be collected as other taxes for county purposes. Said commissioners, in making said estimate, specifications to be done, and the apportionment of tax to land-owners, may use the report of the engineer heretofore made upon a survey of said ditch; when the apportionment and specifications of the work shall have been made, the county auditor shall give notice in some newspaper of general circulation in the county, for two consecutive weekly publications, of the time when said commissioners will meet at said auditor's office, to hear exceptions to said apportionment; on the day mentioned in said notice the commissioners shall meet, and if no exceptions have been filed they shall confirm their apportionment, but if exceptions have been filed by any owner of land affected thereby, they shall proceed to hear such exceptions upon testimony, and upon such hearing they may confirm or change such apportionment.

Contracts for construction of ditch.

SECTION 3. After said apportionment, and the specifications of the ditch shall have been determined by said commissioners, they shall proceed to make contracts for construction of said ditch in sections not less than one-half mile; but said contracts shall not be let until a notice specifying the work to be done, the time when to be completed, and the time and place where let shall have been published for four consecutive weeks in three of the leading newspapers pub-

lished in said county; said county commissioners shall attend at the time and place, and let said contracts to the lowest responsible bidders, who shall give an undertaking sufficient to secure the proper performance of said work.

Issue of bonds.

SECTION 4. For the purpose of raising the money provided for in section two of this act, the commissioners of said county are hereby authorized to issue bonds of the county, payable in installments, and at intervals not exceeding in all five years, bearing interest not to exceed six per cent., payable annually, which bonds shall not be sold for less than par value; said assessment shall be divided in such manner as to meet the payment of the principal and interest of said bonds as the same may become due.

Engineer, etc.

SECTION 5. When said contracts have been let, the commissioners shall appoint a competent engineer to oversee said work. When the work of any contractor is completed according to the terms of his contract, said engineer, together with the commissioners, shall certify the same to the county auditor and said county auditor shall make an estimate of said contractor's proportionate share of the money appropriated in section one of this act and certify the same to the auditor of state, who shall issue an order upon the treasurer of state in favor of said contractor for the amount so certified; subject to the provisions of section one hereof.

Completed ditch to be under control of Mercer county commissioners.

SECTION 6. Upon the completion of said ditch, the same shall be under the control of the commissioners of said county of Mercer, and shall be by them kept open and in in repair, the same as other ditches, drains, and water-courses, under the general laws regulating the same.

Application of existing laws.

SECTION 7. That the acts and provisions of law in force relating to the construction of any ditch, drain or water-course that are inconsistent, or in any way conflict with the provisions of this act, shall be held to be inoperative and of no effect in any proceeding under the provisions of this act; but in all matters not provided for in this act said commissioners shall be governed by the general laws in force relating to the construction, locating and establishing or otherwise improving ditches, drains, and water-courses, as they may be applicable to their proceedings.

SECTION 8. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
332G

[House Bill No. 1440.]

AN ACT

**To provide for the redemption of state bonds and the payment of certain mortgage debt upon the Ohio state fair ground.**

**Appropriations to pay debt of Ohio state board of agriculture.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from money belonging to the sinking fund (received from the treasury of the United States as the portion of the state of Ohio of the direct tax reimbursement) the following sums for the purpose of paying the debt of the Ohio state board of agriculture as herein named: To redeem the mortgage bonds of said board, known as centennial bonds, issued under an act of the general assembly passed March 27, 1889, now payable, forty-five thousand dollars ($45,000.00). To pay interest on above described bonds, two thousand nine hundred thirty-nine dollars and sixty-three cents ($2 939.63). To redeem first mortgage bonds of said board, due July 1, 1891, of the sixty thousand dollar issue, authorized by act of the general assembly, passed May 1, 1885, which are now payable, ten thousand dollars ($10,000.00). To redeem second mortgage bonds of said board due July 1, 1891, of the twenty thousand dollar issue, authorized by act of the general assembly, passed May 19, 1886, five thousand dollars ($5,000.00). For interest on total issue of mortgage bonds of $60,000.00 and $20,000.00 issue, forty-eight hundred dollars ($4,800.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
333G

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[Senate Bill No. 334.]

AN ACT

**To amend section 2689*a* of the Revised Statutes of Ohio, as amended March 23, 1891.**

**Finance and taxation:**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2689*a* of the Revised Statutes of Ohio as amended March 23, 1891, be so amended as to read as follows:

**Maximum of municipal taxes allowable in municipalities other than Cincinnati.**

Sec. 2689*a*. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purposes, above the tax for county and state purposes and excluding the tax for schools and school-house purposes, shall not exceed in any one year in cities of the second grade of the first class nine and one-half mills [,] for sewer purposes, three mills, for paving streets, one mill; and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and

twelve; in cities of the third grade of the first class, fourteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall be first paid; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of said cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in such cities; in cities of the third grade of the second class, eight mills; and in cities of the third grade [*a*] of the second class, ten mills; provided, that in cities of the third grade of the second class which, by the federal census of 1880, had a population exceeding fifteen thousand eight hundred (15,800), such cities, for the purpose of constructing wharves and landings and keeping the same in repair, are authorized to levy such further sum not exceeding eighteen (18) mills in all, as may be necessary to provide a fund for the construction and the keeping in repair of such wharves and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills; and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax lists; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with the terms of any contract entered into by such cities, or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, p. 11); and also provided that the councils of the municipalities mentioned in this section shall, annually, at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes be changed; and all transfers of funds from one account to another are hereby expressly prohibited.

Distribution of such taxes.

SECTION 2. That section 2689*a* of the Revised Statutes as amended March 23, 1891, is hereby repealed.

Repeals.

SECTION 3. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
334G

[Senate Bill No. 408.]

## AN ACT

**To amend section 1504 of the Revised Statutes of Ohio, as amended February 16, 1883 (80 O. L., p. 21).**

Officers of civil townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1504 of the Revised Statutes of Ohio, as amended February 16, 1883, be amended to read as follows:

Township clerk shall make detailed statement of receipts and expenditures.

Sec. 1504. He shall, immediately after the township officers have made their annual settlement of accounts, make out and enter in the record in which the proceedings of the trustees are recorded, a detailed statement of all liabilities, if any, and also the receipts and expenditures of the township board of education, stating from what source the moneys were received, and to whom paid, and for what expended, and a statement of all liabilities, if any, a copy of which statement he shall post up at least ten days before the first Monday of April, annually, with each notice of the township election, and also a copy on the morning of the first Monday of April, annually, at the places of holding township meetings. Any township clerk refusing or neglecting to make out, enter and publish said detailed statement, shall be liable to a fine of not more than thirty dollars, nor less than twenty-five dollars, recoverable before any justice of the peace of the township, and to be paid into the school fund of the township.

Penalty.

Repeals.

SECTION 2. That said original section 1504, as amended February 16, 1883, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
335G

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[Senate Bill No. 476.]

## AN ACT

**Relative to certain graded schools in townships.**

Township boards of education may establish high schools, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the township board of education establishes a school of higher grade than the primary schools in townships, they shall have the management and control of such higher grade of schools of their proper townships which are or may be established therein by them, with full power in respect to such schools to employ and dismiss teachers, and give them certificates of such employment, and for services rendered, directed to the township clerk, in the same manner and to have the same force and effect as certificates of employment of teachers by directors of sub-school districts. And shall build, repair, add to and furnish the

necessary school-houses, purchase or lease sites therefor, or rent suitable rooms, and make all other necessary provisions relative to such schools as they may deem proper. Said board of education shall have full power to regulate and control the admission of scholars to such schools of higher grade according to age and attainments, and may admit adults over twenty-one years of age, and scholars from other townships on such terms, and under such rules as they may adopt, and shall maintain a school or schools of such higher grade not less than twenty-four nor more than forty-four weeks in any one school year.

Estimate of funds needed etc.

SECTION 2. In townships where a school of higher grade than the primaries are established, or may be established, by the board of education of such township, the board of education shall, annually, determine by estimate, as near as practicable, the entire amount of money necessary to be expended in the township for school and school-house purposes, including the sustaining of teachers in such schools of higher grade, the prolonging of the terms of the several sub-districts or primary schools after the state funds have been exhausted, the erecting, repairing and furnishing of school-houses, and any other school purposes not exceeding in any one year ten mills on the dollar of the taxable property of the township, which amount shall be certified in writing to the county auditor, as required by section 3960.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
336G

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[Senate Bill No. 508.]

AN ACT

To amend section 3659 of the Revised Statutes.

Insurance companies other than life:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three thousand six hundred and fifty-nine (3659) of the Revised Statutes as amended May 4, 1885, be amended so as to read as follows:

Revocation of license of foreign insurance company other than life

Sec. 3659. If any such company, association or partnership doing business within this state make an application for a change of venue, or to remove any suit or action wherein such company has been sued by a citizen of this state, now pending, or hereafter commenced in any court of this state, to the United States district or circuit court, or to any federal court, or shall enter into any compact or combination with other insurance companies, or shall require their agents to enter into any compact or combination with other insurance agents or companies, for the purpose of governing or controlling the rates charged for fire insurance on any property

within this state (provided that nothing herein shall prohibit one or more of such companies from employing a common agent or agents to supervise and advise of defective structures, suggest improvements to lessen the fire hazard, and to advise as to the relative value of risks), the superintendent of insurance shall forthwith revoke and recall the license or authority to it to do or transact business within this state, and no renewal of authority shall be granted to it for three years after such revocation; and it shall thereafter be prohibited from transacting any business in this state until again duly licensed and authorized.

**Repeals.**

SECTION 2. That said original section, as amended May 4, 1885, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
337G

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[Senate Bill No. 512.]

AN ACT

**To make a deed to Richard Buckingham for the east half of the south-east quarter of section 36, township 20, of range 18, in Richland county, Ohio.**

**Preamble.**

WHEREAS, In the year 1829 the governor of Ohio made a deed to said Richard Buchingham for the east half of the south-east quarter of section 36, township 20 and of range 18, of Richland county, the same being the Virginia military school lands of Ohio; and

WHEREAS, The said deed was not recorded and the records thereof in the state auditor's office of that time being destroyed and thus rendering it impossible to procure a certified copy of said deed; therefore,

**Governor directed to make deed to Richard Buckingham.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor is hereby authorized and directed to execute and deliver to said Richard Buckingham a deed in proper form for the said east half of the south-east quarter of section thirty-six, of township twenty and of range eighteen, of the Virginia military school lands of said state of Ohio in Richland county.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1. 1891.
338G

[Senate Bill No. 600.]

AN ACT

To compensate Annetta A. Dixson for land heretofore appropriated by the state of Ohio for canal purposes.

Preamble.

WHEREAS, The state of Ohio did, in the year 1859, and in the enlargement of the Lewistown reservoir, appropriate and take to the use of the state for such canal purposes, the land of Annetta A. Dixson, as described to-wit: Being twenty-three acres of the north part of the east half of the north-west quarter of section 35, township 6, south, range 8, east; and

WHEREAS, No compensation or damage has ever been paid or awarded to the said Annetta A. Dixson for said land so appropriated and taken; and

WHEREAS, The state having no title to said land, and the same being necessary for the canal purposes of the state, and the said Annetta A. Dixson being the owner of said land;

Board of public works directed to purchase land from Annetta A. Dixson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works of said state, or the member of said board acting for the district in which the land in the preamble of this act is situate be, and said board of public works or such acting member is hereby authorized and directed to purchase from the said Annetta A. Dixson the land so described, and to take in the name of the state a deed therefor, and pay to the said Annetta A. Dixson for said land the sum of four hundred dollars, and to issue a certificate therefor to the auditor of state, who shall issue his warrant on the state treasury for said sum.

Fund to be paid from.

SECTION 2. The same shall be paid out of the funds appropriated to the northern division Ohio canal.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
339G

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[Senate Bill No. 644.]

AN ACT

Supplemental to section 2745 of the Revised Statutes of Ohio, passed April 12, 1889, with sectional numbering, as follows:

Listing personal property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2745 of the Revised Statutes of Ohio be supplemented by supplemental sections with sectional numbering, as follows:

Insurance policy on property in Ohio not to be

Sec. 2745*a*. It shall be unlawful for any insurance company or agent legally authorized to transact insurance business in the state of Ohio to write, place, or cause to be written

Placed in agency outside state.

or placed, any policy or renewal of policy contract for insurance upon property situated or located in the state of Ohio, in or through any such legally authorized company outside of the state of Ohio, and the writing, renewal, placing or causing to be written or placed any such policy of insurance is hereby declared to be a violation of the law providing for the payment of taxes by foreign insurance companies doing business in the state of Ohio, as set out and provided in section 2745 of an act passed by the general assembly of the state of Ohio April 12, 1889.

Revocation of authority of insurance company violating preceding section.

Sec. 2745*b*. That any company or companies violating the provisions of section 2745*a* of this act, upon notice and satisfactory proof thereof being made to the superintendent of insurance of the state of Ohio, shall have its or their authority to transact business in the state of Ohio revoked for a period of not less than ninety days; and any insurance company whose license to do business in the state of Ohio may be so revoked by the superintendent of insurance of the state of Ohio, shall not be again permitted to do business in the state of Ohio, until all taxes and penalties due thereon shall have been paid, together with any expense that may be due under the provisions of this bill, to the superintendent of insurance of the state of Ohio; and such company shall only be re-admitted to transact business in the state of Ohio upon a complete re-compliance with the laws now in force in regard to the admission of insurance companies to do business in Ohio.

Superintendent of insurance to inspect company charged with violation of law.

Sec. 2745*c*. That when notice of any violation of the first section of this act is received by the superintendent of insurance of the state of Ohio, [that] it shall forthwith be his duty in person, or by deputy, to visit the office of such company or companies where such contract of insurance may have been written or made, and demand an inspection of the books and records of such company or companies; any company or companies refusing to exhibit its or their books and records for his inspection shall be deemed guilty of violating the provisions of the first section of this act, and the penalties provided in this act shall immediately be enforced against such company or companies, by the superintendent of insurance of the state of Ohio.

Expenses of inspection to be paid by company.

Sec. 2745*d*. The superintendent of insurance of the state of Ohio shall receive, as a compensation for the services rendered under the provisions of this act, his necessary expenses, which sum shall be charged against the company or companies so visited by him, and shall be collected from such company or companies by suit in any court of competent jurisdiction.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

**Passed May 1, 1891.**
340G

[Senate Bill No. 654.]

AN ACT

To amend an act passed March 14, 1889 (O. L., v. 86, pp. 101 and 102), to authorize land-owners to improve their lands within the lines of the highways by construction of sidewalks.

Construction of sidewalks outside municipal corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any land-owner owning land abutting upon any highway, not within a municipal corporation, to improve the same as follows: When approved by the township trustees, he may build an[d] improve a sidewalk of such width as the trustees shall determine, not exceeding six feet, and at his own expense, and when completed and approved by the trustees, any person who maliciously injures the same, shall be liable to the owner thereof in double the amount of damages that may be assessed against him, before any court of competent jurisdiction.

Repeals, etc.

SECTION 2. That the act passed March 14, 1889, is hereby repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1. 1891.
841G

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[Senate Bill No. 686.]

AN ACT

To provide for the purchase of records collated by Capt. James H. Smith, of Newark, for use of adjutant-general's office, in making up roster of Ohio soldiers in the Mexican war.

Appropriation for purchase of records from James H Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated out of any moneys in the general revenue fund not otherwise appropriated, the sum of two hundred dollars for the purchase of records collected and collated by James H. Smith, secretary of Ohio association of Mexican war veterans; the same to be deposited in the office of the adjutant-general, for use in making up the roster of Ohio soldiers in the Mexican war.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
842G

[Senate Bill No. 707.]

## AN ACT

To authorize cities of the second grade of the second class to issue water-works improvement bonds for the purposes therein specified.

Cities second grade, second class (Dayton), may issue bonds for improvement of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the second grade of the second class in which water-works may now or hereafter be established, in which it becomes necessary to lay additional mains for the supply of water for such city, it shall be lawful for the board of city commissioners of such city to issue bonds therefor, entitled "water-works improvement bonds" in the sum of fifty thousand dollars ($50,000 00), to be sold according to law; the money arising from the sale of such bonds to be paid into the city treasury of such city, and placed to the credit of the water-works improvement fund, to be expended for the purpose designated in this act and no other. Said bonds shall be of such denomination as the board of city commissioners of such city may deem best, in any sum not in excess of the amount heretofore named and for a length of time not exceeding twenty years, and at a rate of interest not exceeding five per cent. per annum payable semi-annually; said bonds shall not be sold for less than their par value, and the proceeds thereof, together with such premiums as may be derived therefrom shall be applied to no other purpose than herein mentioned; said bonds shall be signed by the president of the board of city commissioners and the city auditor of such city, and be sealed with the seal of said city auditor.

Levy of tax.

SECTION 2. The city council of any such city is hereby authorized to levy an annual tax, not in excess of five-tenths of one mill on the general duplicate of such city, in addition to the other taxes heretofore authorized to be levied or hereafter to be levied, for the redemption of said bonds and the payment of the interest thereon, until said bonds and the interest thereon are paid and said bonds redeemed as the same may become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
3436

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[Senate Bill No. 719.]

## AN ACT

To authorize certain cities to change the grade of streets, remove bridges, construct bridges, syphons, and other structures, and issue bonds therefor.

Cities second grade, second class (Dayton)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second grade of the second class,

having a street which crosses at an elevation a stone arched bridge over the basin extension of the Miami & Erie canal, and also a stone arched bridge over the Miami & Erie canal, and is crossed at a point between such bridges by the tracks of a steam railway, the city council and board of city commissioners shall have authority to cause the grade of such street, as well as that of its lateral street and alley connections, to be so lowered and changed as to cause such street to pass beneath such railway, in such a manner that the latter may cross such street on a bridge or viaduct at a proper altitude, and in connection therewith, to remove said arched stone bridges over said canal and feeder, and in their stead to construct over said basin extension of the Miami & Erie canal an iron hoist bridge, in such manner that the channel for boats shall not be diminished in depth or width, and to construct over said Miami & Erie canal an iron hoist or stationary bridge, as said board of city commissioners may determine, both with the necessary approaches thereto, and conforming to the changed grade of said street, and also to construct such syphons, street and alley mouths and connections, culverts, and other structures, as may in the opinion of said board of city commissioners be necessary to fully complete and perfect said improvement; provided that such stationary bridge over said canal feeder shall not be built until the board of public works shall have consented thereto.

Authorized to change grade of certain street, etc.

SECTION 2. Authority is hereby granted to such cities of the second grade of the second class to appropriate any private rights or property, which in the opinion of said city council and board of city commissioners it may become necessary to acquire, to carry out and accomplish such contemplated improvements, by proceedings instituted and carried on in the manner now provided for by the statutes regulating the appropriation of property by municipal corporations, in so far as the same are applicable.

Appropriation of private property.

SECTION 3. The owner of a lot or lands bounding or abutting upon such improvement, who claims that he will sustain damage thereby, shall file his claim for damages as provided in section 2315 of the Revised Statutes, or be barred from filing a claim or receiving damages as therein provided, and all questions pertaining to such claims for damages, or to the adjustment of, or compensation for same, shall be governed by the provisions of the law now applicable to like claims.

Claims for damages.

SECTION 4. In order to provide a fund for the making of such improvement and the payment of all claims for compensation and damages, if any, connected therewith, it shall be lawful for said board of city commissioners, after the passage of an improvement resolution by the city council and the said city commissioners authorizing the improvement, to issue bonds in the name of said city, to be entitled "street grade improvement bonds," in an amount not exceeding two hundred thousand ($200,000.00) dollars, to be issued from time to time as the work progresses, in such denominations as said board of city commissioners shall determine. Said bonds shall be made payable in not to exceed thirty (30) years from

Issue of bonds.

the date of their issue, shall bear interest at a rate ing five (5%) per cent. per annum, and shall be sig president of said board of city commissioners a and sealed by the city auditor. They shall be sol to law and the proceeds thereof, including any realized by such sale, shall be applied to no oth than those herein mentioned.

Levy of tax.

SECTION 5. It shall be the duty of the coun city, to levy an annual tax, of not exceeding five- of one mill on the general duplicate of such city, to other taxes now authorized to be levied, or which may be hereafter authorized, to be applied ment of the interest accruing upon said bonds redemption thereof as they mature, for the paym half of the cost of said improvement, until said the interest thereon are fully paid and redeemed the cost of said improvement shall be assessed upo benefited, in accordance with the laws and ordin said subject.

SECTION 6. This act shall take effect and from and after its passage.

NIAL R. HYSEL
*Speaker of the House of Re*
WM. VANCE MA
*President of*

Passed May 1, 1891.
344G

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[Senate Bill No. 706.]

AN ACT

For the enlargement of culverts under the Ohio ca

Certain culverts under Ohio canal shall be enlarged.

SECTION 1. *Be it enacted by the General Assembly of Ohio*, That the board of public works be an authorized and directed to use of the appropriat southern division of the Ohio canal, an amount enlarge the culvert under the Ohio canal, near through which Hargus creek flows, and also the cu said canal, north of Circleville, through which Dry

SECTION 2. This act shall take effect and from and after its passage.

NIAL R. HYSEL
*Speaker of the House of Re*
WM. VANCE MA
*President of*

Passed May 1, 1891.
345G

[House Bill No. 506.]

AN ACT

**Supplementary to section 2505 of the Revised Statutes, providing for the leasing, purchasing and consolidation of street railroads.**

Railways in corporate limits:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to section 2505 of the Revised Statutes, with sectional numbering as herein set forth:

Street railway companies may lease or purchase other roads.

Sec. 2505*a*. Any corporation or company organized for street railway purposes, may lease or purchase any street railroad, or street railroads, or railroad operated as a street railroad and by electric power or inclined plane railroad or railroads, together with all the property, real, personal and mixed, and all the franchises, rights and privileges respecting the use and operation of such railroad or railroads, situate or existing in whole or in part within this state, constructed and held by any other corporation or company, corporations or companies, the latter being hereby vested with corresponding power to let or sell, upon such terms and conditions as may be agreed upon between the corporations or companies; and any two or more of such corporations or companies may enter into any arrangement for their common benefit consistent with and calculated to promote the objects for which they were created. No such lease or purchase shall be perfected until a meeting of the stockholders of each of the companies has been called for that purpose by the directors thereof, on thirty days' notice to each stockholder, at such time and place, and in such manner, as is provided for annual meetings of the companies, and the holders of at least two-thirds of the stock of each company, in person or by proxy, at such meeting, or at any properly adjourned meeting, assent thereto. Provided, that any stockholder who refuses to assent to such lease or sale and signifies the same by notice in writing to the lessee or purchaser within ninety days thereafter, shall be entitled to demand and receive compensation in the manner provided for the compensation of stockholders in sections 3302, 3303 and 3304 of the Revised Statutes, and the said sections are adopted and made to be part of this section. Provided, that, whenever any such consolidation is made as herein provided, there shall be no increase of the existing rates of fare by reason of such consolidation nor shall any fare be charged upon any of the separate routes so consolidated in excess of the fare charged over such separate routes, prior to the consolidation thereof; and, provided that when any such consolidation is made as herein provided, the fare charged for one continuous route or ride over all such consolidated lines shall not exceed the maximum fare charged over any one of said lines prior to such consolidation.

Fares over consolidated lines.

Street railroad companies owning or operating intersecting or connecting lines may consolidate same.

Sec. 2505*b*. Whenever the lines or authorized lines of road of any street railroad corporations or companies meet or intersect, or whenever any such line of any street railroad corporation or company and that of any inclined plane railway or railroad corporation or company or any railroad operated

by electricity may be conveniently connected or be
to mutual advantage, such corporations or companies
two or more of them, are hereby authorized to cor
themselves into a single corporation, or, whenever
road of any street railroad company or corporation o
in this state is made, or is in process of construction
boundary line of the state, or to any point either in
the state, such corporation or company may consol
capital stock with the capital stock of any corporation
pany, corporations or companies, in an adjoining s
line or lines of whose road or roads have been made,
process of construction, to the same point or points
same manner and with the same effect as provided
consolidation of railroad companies in sections
amended), 3382, 3383 (as amended), 3384, 3385, 33
3388, 3389, 3390, 3391, 3392 and 9805 of the Revised
and in any and all acts amendatory and supplem
said sections and each of them; and the said sec
amended and supplemented are adopted and made to
of this section.

Grant by municipality not extended.

SECTION 2. Nothing in this act shall be cons
extend the term of any grant by a municipal cor
and no such consolidation shall in any way extend o
any of the rights of any of the separate roads so cons

SECTION 3. This act shall take effect and be
from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Repre*
WM. VANCE MARQ
*President of th*

Passed May 1, 1891.
346G

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[House Bill No. 847.]

AN ACT

To amend section 3908 of the Revised Statutes of Ohio, to pr
elections in village school districts in villages divided into

City and village districts:

SECTION 1. *Be it enacted by the General Assembly of*
*of Ohio*, That section thirty-nine hundred and eight
the Revised Statutes of Ohio be so amended as to
follows:

Election in village districts.

Sec. 3908. In village districts members of the
education shall be elected on the first Monday
annually, to serve for the term of three years from
Monday of April succeeding their election and until
tion and qualification of their successors; the qualifi
ors of the district, including those residing within the
of territory attached to the district, but beyond the
limits, shall meet between the hours of six o'clock a.
six o'clock p. m. of said day, at the usual places of
school elections, organize by the appointment of a c
and secretary, and proceed to vote by ballot for pe

serve as members of the board; and if the board consists of six members, two judicious and competent persons shall be elected each year, and if it consistes of three persons, one such person shall be elected each year; provided, that when the village of which the village district is, in whole or in part, composed, is divided into wards or voting precincts, the election for members of the board of education shall be held in each of such wards or precincts; but all the members shall be elected at large by the electors of the district and voters residing in such wards or precincts who are also residents of the school district, shall vote for member of the board of education in the ward or precinct in which they reside. Voters residing in the village, but not in the village district, shall not be entitled to vote at any election held under the provisions of this section, and voters who reside in the village district but not in the village, shall vote for members of the board of education at such place or places within the district as the board of education shall by resolution designate; and the board of education may, if it sees fit, apportion adjacent territory among the several wards or precincts of the village for voting purposes. The election for members of the board of education in such wards or precincts shall be held by the same judges and clerks provided for the municipal election, but separate ballot-boxes, poll-books and tally-sheets shall be used therefor, and returns of such election, duly certified as in other cases, shall be made within five days to the clerk of the board of education.

Repeals, etc.

SECTION 2. That said original section number three thousand nine hundred and eight (3908) be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
347G

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[House Bill No. 855.]

## AN ACT

To amend section 4069 of the Revised Statutes.

Examiners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4069 of the Revised Statutes, be amended so as to read as follows:

County boards: appointment; qualifications

Sec. 4069. There shall be a board of examiners for each county, which shall consist of three competent persons to be appointed by the probate judge. Two of such persons shall have had at least two years' experience as teachers, and shall be or shall have been within five years, actual teachers in properly recognized schools. Such persons shall be residents of the county for which they are appointed, and shall not be con-

nected with, or interested in any normal school or school for the special education or training of persons for teachers, or any other private school, or be employed as an instructor in any institute in his own county. If an examiner becomes connected with, or interested in any such school, his office shall become vacant thereby. The term of office of such examiners, shall be three years. The term of one of the examiners shall expire on the thirty-first day of August, each year; but the probate judge shall revoke the appointment of any examiner, upon satisfactory proof that he is inefficient, negligent, or guilty of immoral conduct. When a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the probate judge shall fill the same by appointment for the full or unexpired term, as the case demands, and within ten days after an appointment the probate judge shall report to the commissioner of common schools the name and appointee, and whether the appointment is for a full or unexpired term; and no person shall be appointed to the position, or exercise the office of state, county, city, or village examiner of teachers, who is the agent of, or is interested in any book-publishing or book-selling firm, company or business.

Term.

Vacancy.

Disqualifications.

Repeals, etc.

SECTION 2. This act shall take effect and be in force from and after its passage; and said section 4069 is hereby repealed.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
348G

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[House Bill No. 1046.]

## AN ACT

**To provide for the election of an Ohio dairy and food commissioner, salary and expenses.**

Food and dairy commissioner:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 8035, 272 and 275, be so amended as to read as follows:

Ohio dairy and food commissioner: election of.

Sec. 8035—272. That there is hereby created the office of dairy and food commissioner of the state of Ohio. Said commissioner shall be elected by the qualified electors of the state of Ohio, under and in pursuance of the general election laws of the state of Ohio, at the general election held on the first Tuesday after the first Monday in November, A. D. 1891, a dairy and food commissioner who shall take his office on the first Tuesday after the first Monday in May after his election, who shall serve for two years or until his successor is elected and qualified; his salary shall be twelve hundred dollars per year and his necessary and reasonable expenses incurred in the discharge of his official duties under this act, to be paid at the end of each calender month on presentation of vouchers properly itemized and certified by him to be

Salary and expenses.

correct; said expenses to be paid out of the general revenue fund, but not to exceed six hundred dollars in any one year.

Assistant commissioners.

Sec. 8035—275. Said commissioner may appoint not more than two assistant commissioners, whose salaries shall be one thousand dollars each, per annum, and their necessary and reasonable expenses incurred in the discharge of their official duties, payable in time and manner like that of the commissioner and on itemized vouchers approved by the said commissioner. The said commissioner shall have power to appoint three expert chemists to be of acknowledged standing, ability and integrity, to examine and analyze samples of food and drink, or of drugs or medicines submitted to them by the commissioner or assistant commissioners. The compensation of said expert chemists shall be for the actual number of determinations or examinations required and made, and shall not exceed for each determination or examination two-thirds the price usually paid experts for a single determination or examination of a similar kind. The compensation of said expert chemists shall be paid at the end of each quarter of the calendar year, on itemized vouchers certified to by said commissioner, which said amount of expenses shall not exceed, in any one year for the three expert chemists combined, the sum of one thousand dollars, the sum to be paid out of the general revenue fund.

Expert chemists.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
349G

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[House Bill No. 1082.]

AN ACT

To re-imburse Peter C. Kriss for loss of a horse at the camp of 1st reg't, light artillery.

Preamble.

WHEREAS, The 1st regiment light artillery of Ohio, Col. Louis Smithnight commanding, was in camp at Sage's grove, Huron township, Erie county, in August, A. D. 1890; and,

WHEREAS, Lieut. A. C. Caine, quartermaster of said regiment, whose duty it was to hire horses for use in said camp; and,

WHEREAS, The said Lieut. Caine, did hire a (gelding) horse of one Peter C. Kriss, said horse being in good healthy condition for service; and,

WHEREAS, Said horse while hauling cannon from said camp to the railway station died on the road to said station, from over-work; and,

WHEREAS, Lieut. Caine having charge of said horse selected a commission of three disinterested parties to appraise the same; and,

WHEREAS, Said commission did appraise said horse and placed his value at $178 00, and made a report to that effect to Lieut. Caine, who reported the same to Col. Smithnight commanding, who filed the claim with the adjutant-general of Ohio; therefore,

Appropriation for Peter Kriss.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated from the treasury any money not otherwise appropriated the sum of $178.00 to pay said Peter Kriss for loss of said horse, and the auditor of state is hereby directed to issue his warrant on the state treasurer on demand for said sum so appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
350G

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[House Bill No. 1109.]

AN ACT

To amend sections 58, 63, 66 and 67, of the Revised Statutes of Ohio.

Printing and distributing laws, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 58, 63, 66 and 67 of the Revised Statutes be amended so as to read as follows:

How many copies of the journals to be printed, and what appendix thereto to contain.

Sec. 58. Six hundred copies of the journal of the senate, and the same number of copies of the journal of the house of representatives, shall be printed as kept and recorded; and to each printed journal there shall be an appendix, in which shall be printed all petitions and memorials, all reports of committees, all special reports, the communications of all officers or boards of officers that are laid before either or both branches, and all other papers and documents (except the report of the state board of agriculture) that are laid before either or both branches in writing, unless the printing thereof is otherwise provided for by law; but no paper or document shall be printed in either appendix, unless the branch before which such paper or document be laid expressly orders it to be printed in the appendix to the journal of the branch; and if any paper or documents be laid before both branches, and be ordered to be printed by both, it shall be printed only in the appendix to the senate journal; and the abstract of votes for governor and other state officers shall be printed in the appendix to the senate journal, and the standing rules in the appendix to each journal, without an order by either or both branches. And there shall be printed prior to the first day of January each year, copies of all reports of all the benevolent, penal and reformatory institutions of the state,

Reports of state benevolent, penal and reformatory

and of the board of public works provided for, and for the use of each member of the general assembly, at least one copy of each report shall be laid upon the desk of every member of the general assembly on the first day of every regular or adjourned session.

Institutions to be furnished members general assembly.

Sec. 63. There shall be printed, the number hereinafter stated of each of the annual reports of the following officers and boards:

Reports of state officers and institutions: number to be distributed; how distributed.

Secretary of state, including statistics: For the secretary, five thousand copies; for each member of the general assembly, one hundred and twenty copies.

Auditor of state, including detailed statement of receipts and disbursements: For the auditor, one thousand copies; for each member of the general assembly, fifteen copies.

Treasurer of state: For the treasurer, three hundred copies.

Sinking fund commissioners: For the commissioners, two hundred copies.

Attorney-general: For the attorney-general, two hundred copies.

Commissioner of common schools: For the commissioner, five thousand copies; for each member of the general assembly, one hundred copies; for each board of county school examiners, one hundred copies for distribution among teachers, boards of education, and special school boards.

Commissioners of the state library: For the commissioners, four hundred copies.

Supervisor of public printing: For the supervisor two hundred copies.

Commissioner of railroads and telegraphs: For the commissioner, one thousand copies; for each member of the general assembly, five copies; each copy to contain a correct railroad map of the state; of railroad maps, mounted on pasteboard, for the commissioner, one thousand copies; for each member of the general assembly, sixty copies; of railroad maps in pocket edition form, for the commissioner, one thousand copies; for each member of the general assembly, ten copies.

Commissioners of fisheries: For the commissioners, five hundred copies.

State inspector of oils: For the inspector, three hundred copies.

Adjutant-general: For the adjutant-general, six hundred copies.

Board of public works: For the board, three hundred copies.

Warden and directors of the penitentiary: For the warden and directors, five hundred copies.

Institution for the education of the deaf and dumb: For the institution, one thousand copies.

Institution for the education of the blind: For the institution, five hundred copies.

Columbus asylum for the insane: For the superintendent, five hundred copies.

Athens asylum for the insane: For the superintendent, five hundred copies.

Dayton asylum for the insane: For the superintendent, five hundred copies.

Cleveland asylum for the insane: For the superintendent, five hundred copies.

Longview asylum for the insane: For the superintendent, five hundred copies.

Boys' industrial school: For the superintendent, five hundred copies.

Girls' industrial home: For the superintendent, five hundred copies.

Institution for idiotic and imbecile youth: For the institution, one thousand copies.

Board of state charities: For the board, two thousand copies.

Soldiers' and sailors' orphans' home: For the board of trustees, one thousand copies.

Soldiers' and sailors' home: For the board of trustees, five hundred copies.

Ohio state university: For the trustees and officers, five thousand copies.

Inspector of mines: For the inspector, four thousand copies; for each member of the general assembly, twenty-five copies.

Commissioner of statistics of labor: For the commissioner, forty-five hundred copies; for each member of the general assembly, fifty copies.

Superintendent of insurance: For the superintendent of the fire and life insurance report, three thousand copies; for each member of the general assembly of the fire and life insurance report, ten copies.

Meteorological bureau: For the board of directors, two thousand copies.

Inspector of shops and factories: For the inspector, four thousand copies; for each member of the general assembly, ten copies.

Forestry bureau: For the board of directors, two thousand copies.

State board of agriculture: For the board, five thousand copies; for each member of the general assembly, one hundred and thirty copies.

Certain reports to be printed in German language.

The report of the secretary of state, of commissioner of labor statistics, of the inspector of shops and factories, and the state board of agriculture, shall also be printed in the German language; and the secretary of state shall ascertain from each member of the general assembly how many of the copies to which he is entitled, he wishes in the German language, and the aggregate number so determined shall be printed in

German and distributed to the members of the general assembly accordingly. The several reports furnished to members of the general assembly shall be boxed and directed to the members, in care of the county auditor of the county where they respectively reside, unless the members shall otherwise direct; and the charges for transportation of such reports shall be paid in the same manner as is provided by law for the distribution of laws and journals.

Executive documents: number to be printed.

Sec. 66. At the same time that the documents mentioned in sections sixty-three and sixty-five are printed in pamphlet form, there shall be printed on the same type, six hundred copies of each document named, in a volume or volumes, paged consecutively, with running heads designating each report, to be styled "executive documents," to be bound in half law binding, and the supervisor of public printing shall make out an index to be printed at the commencement or close of each volume. There shall be no charge for composition for printing the one thousand [six hundred] copies of said executive documents, except for the index and title page; but the commissioners of public printing may allow a fair compensation for the time consumed in changing the forms. One copy of this "executive document" when so bound shall be sent to each member of the general assembly, and two copies of these executive documents when so bound, shall be sent to each county auditor, one to be placed on file in his office and the other in the office of the county clerk; the report of the secretary of state, auditor of state, commissioner of railroads and state school commissioner, shall not be put in the executive documents.

Printing and distribution of the laws.

Sec. 67. There shall be printed, thirty thousand copies of the laws and joint resolutions; and all the laws, general and local, and joint resolutions, shall be printed in one volume. Three thousand copies shall be printed in forms of sixteen pages, as soon as practicable after enactment; ten copies of which shall be delivered promptly to each member of the general assembly, and the balance sent by the secretary of state, pro rata, according to population, to the auditors of the several counties. The remainder (twenty-seven thousand), shall be bound in half law binding, and distributed as provided by law.

Reports for secretary of state.

SECTION 2. In addition to the number of reports, as provided in section sixty-three, there shall be printed one hundred copies of each of said reports, which shall be placed in the custody of the secretary of state for distribution.

Repeals, etc.

SECTION 3. Said original sections, 58, 63, 66 and 67, of the Revised Statutes, are hereby repealed, and this act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.

351G

[House Bill No. 1174.]

## AN ACT

To provide for the construction of certain culverts under the Miami & Erie canal in Paulding county.

Preamble.

WHEREAS, The 67th general assembly at its regular session on May 18th, 1886, passed the following house joint resolution No. 59:

Joint resolution recommending the board of public works of Ohio to construct culverts under the Miami and Erie canal in certain places in Brown and Washington townships, Paulding county, Ohio.

WHEREAS, Large tracts of land along the line of the Miami and Erie canal in Brown and Washington townships, Paulding county, Ohio, have been rendered unfit for cultivation on account of insufficient drainage, due to incapacity, or total want of culverts under said canal; therefore

*Be it resolved by the General Assembly of the State of Ohio,* That the board of public works are hereby recommended to put in culverts at the following places in said townships, on the line of said canal, viz: At about 4,800 feet north of mile-post No. 163, another 3,690 feet north of mile-post No. 165, another 3,186 feet north of mile-post No. 167, and another about 1,178 feet north of mile-post No. 176. And also to construct a ditch on east side of said canal from 3,690 feet north of mile-post No. 165 to 3,686 feet north of mile-post No. 167. Said culverts and ditch should be of large capacity and should not cost in toto to exceed fifty-nine hundred ($5,900) dollars, to be paid out of the appropriation already made to said Miami and Erie canal.

DANIEL J. RYAN,
*Speaker pro tem. of the House of Representatives.*
ROBT. P. KENNEDY,
*President of the Senate.*

Adopted May 18, 1886.

AND WHEREAS, Prior to the passage of the above resolution a committee of the house visited said locality and after a personal inspection of the grounds reported the said resolution recommending its passage; and

WHEREAS, Nearly five years have elapsed and the state board of public works has failed to perform the recommendations of said resolution; therefore

Building of culverts under Miami and Erie canal in Paulding county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state board of public works are hereby instructed to build culverts of sufficient capacity to permit the proper drainage of lands affected, under the Miami and Erie canal in Paulding county, at or near the following places, to-wit: At about 4,800 feet north of mile-post No. 163, another 3,690 feet north of mile-post No. 165, another 3,186 feet north of mile-post No. 167, another 4,290 feet north of mile-post No. 174, and another 1,178 feet north of mile-post No. 176; said culverts shall be constructed at a total cost not to exceed five thousand ($5,000) dollars, and the cost of said culverts to be paid out of money already appropriated for the Miami and Erie canal.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
352G

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[House Bill No. 1219.]

## AN ACT

To permit the owners of certain fish-nets seized and confiscated for the non-payment of certain taxes imposed by an act passed April 15, 1889, entitled "An act to regulate by taxation the use of fishing-nets in Lake Erie and the reservoirs of the state," to sue the state.

Adjustment of claims for fish-nets destroyed under certain act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fish and game commissioners of the state of Ohio be and they are hereby authorized to adjust and agree with any resident of the state of Ohio, whose fish nets were seized by any fish warden of the state because of the non-payment of the tax imposed by an act passed April 15, 1889, entitled "An act to regulate by taxation the use of fishing-nets in Lake Erie and the reservoirs of the state," upon the amount of damages sustained by such resident because of seizure, for the value of nets taken, without exemplary damages and report their finding to the next general assembly, and in case no mutual agreement can be arrived at, then such residents may sue the state of Ohio in its courts in the county wherein said seizures were made, and upon proof that said nets were seized because of the non-payment of said tax, may have judgment against the state for the damages sustained because of said seizures, for the value of the nets so taken, without any exemplary damages.

Owners of such nets may sue state.

Summons: how served.

SECTION 2. The summons in the action herein provided for shall require the state of Ohio to appear and answer as in civil actions, and may be served on any one of the commissioners of fish and game of Ohio at any place within the state.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
353G

[House Bill No. 1300.]

AN ACT

To amend section 4560 of the Revised Statutes, as amended April 20, 1881 (O. L., 78 v., pp. 204, 210).

Township ditches;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-five hundred and sixty of the Revised Statutes, as amended April 20, A. D. 1881, be amended so as to read as follows:

Proceedings in suit brought by party claiming injury, etc.

Sec. 4560. The court, in which any proceeding is brought to recover any tax or assessment, or to reverse or declare void the proceedings to locate or establish any ditch, or to construct the same, or to enjoin the tax levied or assessed, or ordered to be levied or assessed to pay for the location or construction of a ditch, shall proceed in the same manner, and exercise the same authority over said ditch proceedings or any part thereof, as is prescribed and granted to such court in section forty-four hundred and ninety-one of the Revised Statutes, and all acts amendatory thereof or supplementary thereto.

Repeals.

SECTION 2. That said section forty-five hundred and sixty, as amended April 20, A. D. 1881, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
354G

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[House Bill No. 1378.]

AN ACT

To amend section 4585 and supplement section 4599.

Levees:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4599 of the Revised Statutes of Ohio, be supplemented by supplementary section numbering 4599*a*, and that section 4585 be amended so as to read as follows:

Probate court may order construction of levees.

Sec. 4585. The probate court of any county, may whenever found to be conducive to the public health, convenience or welfare, cause to be located, established and constructed as hereinafter provided, a levee within the county, along any stream, water-course, lake or body of water, or near any stream, water-course, lake or body of water of any kind, for the protection of land from overflow.

Court may order construction of flood-gate,

Sec. 4599*a*. If it be found necessary by the court to construct, erect, build and operate any flood-gate or flood-gates, pump or pumps, elevator or elevators along any portion of

said levee for the purpose of draining the lands benefited by said levee, in its final order it may direct the same to be done, particularly describing its kind and character and the place or places and locality or localities on which the same shall be done. pump or elevator for draining lands.

SECTION 2. Said original section 4585, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
355G

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[House Bill No. 1464.]

AN ACT

To amend section one of an act entitled "An act to facilitate the placing of children from children's homes in private families," passed April 15, 1889 (O. L. vol. 86, p. 340).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "An act to facilitate the placing of children from children's homes in private families," passed April 15, 1889, be amended to read as follows: Children's homes:

Sec. 1. That the trustees of each and every children's home in the state may appoint a competent person as visiting agent, whose duty it shall be to seek places for such children wherever suitable homes can be found in private families, where they will be properly educated, trained and cared for. Said agent shall visit each child so placed not more than twice in each year, when practicable, and shall report from time to time to the trustees the condition of each child, any brutal or ill treatment of same, or failure to provide suitable food, clothing or school facilities of [for] such child in the family where placed. Said agent shall perform his duties under the direction of the trustees and superintendent of the children's home for which they [he] may be appointed, and he may be assigned such other duties not inconsistent with his regular employment as the trustees may prescribe, and his appointment shall be for one year, or until his successor shall be appointed, and he shall receive such reasonable compensation for his services as the said trustees may provide. The trustees of any such children's home, except in counties containing cities of the first and second grade of the second class, may also place the children under their charge in suitable homes in private families, through well known and established private institutions duly incorporated under the laws of this state, and which have the fitting for, and placing of children in families, as their object. Trustees of children's home may appoint visiting agent. Placing of children in private families.

SECTION 2. That said original section one is hereby Repeals, etc.

repealed and this act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
356G

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[House Bill No. 1469.]

AN ACT

To provide for the issuance of park improvement bonds in cities of the first grade of the first class.

Cities first grade, first class (Cincinnati), may expend certain sum for improvement of parks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the board of park trustees in addition to the powers already possessed by them shall have power under the provisions hereof to expend in laying out, improving and beautifying the parks and park properties, establishing roadways, footwalks and all other needed improvements therein, as said board of park trustees shall see fit, a sum not to exceed fifty thousand dollars; provided, that no part of the money shall be used in the condemnation or purchase of land for park purposes.

Issue of bonds.

SECTION 2. That to provide funds to meet such expenditures the board of public improvements or board of administration of such city shall, forthwith, upon receiving orders from said board of park trustees, certified to by its president and clerk, and from time to time and as often as the board of park trustees may deem necessary, issue the bonds of said city to an amount not to exceed in the aggregate fifty thousand dollars. Said bonds shall be made payable at such times and shall bear interest at such rate, not to exceed four per cent. per annum, as said board of public improvements or board of administration may determine. Said bonds shall be signed by the president of such board of public improvements or board of administration and the mayor of said city, and be attested by the auditor of such city, and shall be secured by the pledge of the faith of such city, and a tax which it shall be the duty of the council of such city annually to levy upon the taxable property of such city, and certify the same to the county auditor upon a certificate to that effect from the trustees of the sinking fund of such city, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now authorized to be levied for municipal purposes.

Levy of tax.

Sale of bonds.

SECTION 3. Said board of public improvements or board of administration shall receive bids for said bonds from time to time as they may receive orders from said board of park trustees to issue the same, and after advertising the same as required by law, shall sell the same for not less than their par value with accrued interest, to the highest bidder. The

money arising from the sale of said bonds shall be placed in the city treasury to the credit of the park fund and subject exclusively to the order of said board of park trustees to be used for the purposes of park improvements as before stated, and shall be drawn out upon the order of the board of park trustees, which board shall have sole control of expenditure of the funds provided for by this act for the purposes indicated herein. How funds disposed of.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
357G

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[House Bill No. 1553.]

AN ACT

To amend section eleven (11) of an act passed April 12th, 1889. (O. L. vol. 86, page 273.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eleven (11) of an act to amend the act passed March 28, 1888, entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," be amended so as to read as follows: Canal commission:

Sec. 11. Any land or lands belonging to the state of Ohio, near or remote from the line of any canal in this state, that can not be leased so as to yield six per cent. on the valuation thereof, as determined by said commission, may be sold by said commission at not less than three-fourths of such valuation, upon such terms of payment as may be fixed by the commissioners of the sinking fund, and such land shall be offered for sale at public vendue, at the court-house in the county where the same is situated, after at least thirty days' notice given by publication in two papers of opposite politics, of general circulation in such county; provided, however, that said commission, together with the governor and attorney-general of the state of Ohio, shall have power to sell any such land or lands which are appraised at five hundred dollars or less at private sale, at a price not less than the appraised value thereof; the governor to execute deeds to purchasers of any such lands, whether sold at public or private sale; provided, further, that such land or lands shall not be sold or offered for sale unless the said commission, board of public works, and the chief engineer of the board of public works shall have, by a majority vote in joint session, deter- When land may be sold; terms, etc.

mined that such land or lands are not necessary or required for the use, maintenance and operation of any of the canals of this state.

Repeals, etc.

SECTION 2. That said section eleven (11) of the aforesaid act, by this act amended, be and the same is hereby repealed; and this act shall take effect and be in full force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS.
*President of the Senate.*

Passed May 1, 1891.
358G

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[House Bill No. 1759.]

AN ACT

To supplement section 1720 of the Revised Statutes.

Officers of cities, etc.:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1720 of the Revised Statutes be supplemented with sectional numbering so as to read as follows:

Board of review in certain cities (Cincinnati) vested with powers and duties of board of revision.

Sec. 1720c. In cities of the first grade of the first class "the board of review" provided for under an act entitled "An act supplementary to and amendatory to title 12 of the Revised Statutes of Ohio," passed on the 26th day of March, 1891, shall have all the powers and perform all the duties heretofore conferred upon and required of the board of revision under section 1720 of the Revised Statutes of Ohio and the sections supplementary thereto.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS.
*President of the Senate.*

Passed May 1, 1891.
359G

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[House Bill No. 1773.]

AN ACT

To amend section 2824 Revised Statutes of Ohio, as amended March 21st, 1887.

Levying taxes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2824 Revised Statutes of Ohio, as amended by act passed March 21st, 1887, be, and the same is hereby, amended so as to read as follows:

Levy of taxes for county road and bridge purposes.

Sec. 2824. The commissioners, at their March or June sessions, annually, may levy on each dollar of valuation of taxable property within their county, for road and bridge purposes, as follows: In a county where the valuation of taxable property exceeds eighty millions and does not exceed one

hundred and twenty millions dollars, five-tenths of a mill; where the amount exceeds fifty millions and does not exceed eighty millions dollars, seven-tenths of a mill; where the amount exceeds twenty millions and does not exceed fifty millions dollars, one mill and one-tenth; where the amount exceeds ten millions and does not exceed twenty millions dollars, one mill and five-tenths; where the amount exceeds five millions and does not exceed ten millions dollars, three mills; and where the amount is less than five millions dollars, five mills and five-tenths; and of the tax so levied, the commissioners shall set apart such portion as they may deem proper, to be applied to the building and repair of bridges, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate in a separate column, and shall be collected in money, and expended, except as may be otherwise provided by law, under the direction of the commissioners, in building bridges and culverts, or in repairing the same; provided, that in any county containing a city of the first grade of the first class, where the valuation of taxable property exceeds two hundred millions of dollars, the commissioners of said county may levy on each dollar of valuation of taxable property within said county, for bridge purposes exclusively not to exceed three-tenths of a mill, which shall be collected in money and placed by the auditor to the credit of the bridge fund of the county, and the same shall be expended by the commissioners in building bridges and culverts, and in repairing and making fills and approaches to the same in the townships outside of the corporate limits of said city, and for no other purpose whatever; except that one-third of said fund collected in the county, in all cases where the city council of said city of the first grade of the first class shall demand it, shall be paid into the city treasury of said city and shall be expended by the board of public affairs of said city, for the purpose of building and repairing bridges within the corporate limits of the same; provided further, that in case an important bridge belonging to or maintained by any county has been or shall be destroyed or become dangerous to public travel by decay or otherwise, and the restoration thereof is deemed necessary for public accommodation, the commissioners may levy a special tax for that purpose, not exceeding one mill and five-tenths, the proceeds of which shall be applied solely to such restoration; and the commissioners may anticipate the collection of such special tax, by borrowing any sum not exceeding the amount so specially levied or to be levied, at any rate of interest not exceeding six per centum, and issue notes or bonds therefor, payable upon the collection of such special tax; provided further, that in all cities of the second grade of the first class and all cities of the second class, one-half the proportion of said bridge fund collected upon the property within said cities, in all cases where the city council shall demand it, shall be paid into the city treasury, and shall be expended by such city for the purpose of building and repairing bridges; and provided further that in cities having at the last federal census, or at any subsequent federal census a population of 8,273, the whole of the proportion of

Bridge fund.

Hamilton county.

Payment to Cincinnati.

Special tax to restore important bridge.

Anticipation thereof.

Cleveland and cities of second class.

Marietta.

said bridge fund collected upon the property withi
shall, upon demand of the council of said city
paid into the treasury of said city, and shall be ex
said city for the purpose of building and n
Montgomery county. bridges therein; provided further, that the comm
Montgomery county shall levy not exceeding on
one-tenth for road and bridge purposes and th
shall only be on the property subject to taxation
city of Dayton, and the proceeds of such lev
applied exclusively to roads and bridges outside
Dayton. and the council of said city may annually levy o
ble property within the same, for bridge purpose
of one mill and one-tenth in addition to the tota
of taxation now authorized by said council, to b
for building and repairing bridges within said city

Repeals, etc. SECTION 2. That said section 2824, as amen
21st, 1887, be, and the same is hereby, repealed;
shall take effect and be in force from and after its

NIAL R. HYSE
*Speaker of the House of Rep*
WM. VANCE M
*President o*

Passed May 1, 1891.
360G

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[House Bill No. 1774.]

AN ACT

To authorize the city council of any city having at the last f
or which may have at any subsequent federal census, a
8,273, to borrow money and issue bonds therefor fo
improvement and benefit of said city.

Certain city (Marietta) authorized to issue bonds for its general improvement. SECTION 1. *Be it enacted by the General Assembl*
*of Ohio*, That the city council of any city which
federal census had, or at any subsequent federal
have, a population of 8,273. be, and hereby is au
issue the bonds of said city for a sum not to
thousand dollars, to be expended for the gener
Bonds: denominations; interest; sale. ment and benefit of said city. Said bonds shall
denominations not to exceed five hundred dollar
bear interest at a rate not to exceed five per cent.
payable semi-annually, and they shall not be s
When power shall terminate. than their par value with accrued interest. Such p
city council to issue and sell said bonds shall ter
Redemption of bonds. end at the expiration of three years from the date
sage of this act, and said bonds shall be redeem
pleasure of the city council, at any time after tw
from the date of the issue of the same, and said
become due and payable at a period not to exceed
years from their date.

General improvement fund. SECTION 2. The proceeds arising from the
bonds shall be placed in the city treasury to th
what shall be known as the general improvemen

shall be drawn therefrom only upon the order of the board of trustees hereinafter provided for.

Levy of tax.

SECTION 3. The city council of said city, for the purpose of paying the interest on said bonds, shall levy annually a tax upon all the taxable property in said city sufficient to pay said interest; and they shall also levy a tax from time to time, in addition, sufficient to redeem and pay said bonds as the same shall become due and payable.

Board of improvement trustees.

SECTION 4. A board of eight trustees shall be appointed to control and provide for the expenditure of the funds arising from the sale of said bonds, which shall be known as the board of improvement trustees of said city. Said trustees shall be freeholders and electors of said city, and shall be appointed and hold their office for a term of three years or until their successors are appointed, unless sooner removed by the city council of said city by a vote of two-thirds of the members elect, for cause other than political. Four of said trustees shall be elected by the city council of said city, but not more than two of those elected shall belong to the same political party; and four shall be appointed by the judges of the circuit court of the judicial circuit of Ohio in which said city is situated, and not more than two of said appointees shall belong to the same political party. Said trustees shall give bond in such sum as said city council may require. In case a vacancy in said board of trustees shall occur the same shall be filled by the power from whom the retiring trustee received his appointment.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
361G

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[House Bill No. 1801.]

AN ACT

To amend an act entitled "An act to enact and add a supplemental section to section 2926*h* of the Revised Statutes of Ohio as amended April 28th, 1890, to be known and designated as supplemental section 2926*hh*, with sectional numbering," passed March 24th, 1891.

Conduct of elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section number 2926*hh* of an act entitled "An act to enact and add a supplemental section to section 2926*h* of the Revised Statutes of Ohio as amended April 28th, 1890, to be known and designated as supplemental section 2926*hh*, with sectional numbering," passed the 24th day of March, 1891, be and the same is hereby amended so as to read as follows:

Certain statutes concerning registra-

Sec. 2926*hh*. Provided further, that the provisions of said section 2926*h* and all other sections of the statutes of the

tion of electors made applicable to certain city (Findlay).

state of Ohio concerning and regulating the registration of electors and the holding of elections and voting in cities of the second class in said state, be and the same are hereby extended to and made applicable to any city or cities in said state having at the last federal census a population of eighteen thousand five hundred and fifty-three (18,553), and that in such city or cities where no registration of such electors in such city or cities has heretofore been made under the provisions of the registration laws of said state now in force therein, the mayor of such city or cities, shall immediately on the passage of this act proceed to appoint a board of elections as provided in section 2926*b* of said statutes as amended April 28th, 1890. Said board of elections shall immediately after their said appointment meet and organize and proceed to appoint a secretary, registrars of elections, judges, clerks of elections and such other clerks, officers and agents as are now provided for by the registration laws of said state applicable to a general registration of electors in cities of the second class in said state, and appoint times and places for such registration, and provide suitable rooms, furniture, blanks and all other things now authorized to be provided for the registration of electors in said cities of the second class, and make all needful rules and regulations, and furnish all needed ballot-boxes, ballots, blanks, papers and all such other materials, and appoint all such assistants, employes and officers as may be necessary to carry out the provisions of said statutes as to elections in said cities of the second class and make the same applicable to a city or cities having the population aforesaid in said state, and in all respects enforce the laws governing the same, so that all laws now in force applicable to the registration of electors in cities of the second class in said state and the way and manner of voting at any general or special election in said state shall be and the same hereby are extended to and made and declared to be in full force and effect as to any city or cities in said state having a population of eighteen thousand five hundred and fifty-three (18,553) as ascertained by the last federal census as aforesaid.

Board of elections: appointment and organization of, etc.

Days appointed for registration for April election in 1891, etc.

Provided further, that for the purpose of carrying out the provisions of this supplemental section of said statutes in the year 1891, Thursday the 12th, and Thursday the 26th days of March, and Thursday the 2d day of April, 1891, and none other, be and the same are hereby designated and appointed as days for general registration of electors for the April election in that year in the city or cities of said state having the population aforesaid according to the census aforesaid; at which times and places said board of elections and the officers, employes and others appointed by them under the provisions of said statutes shall proceed to do and perform all and singular such acts, provide such means and facilities for the registration of electors in the several wards and precincts of such city or cities as are required to be done under the provisions of the statutes now in force for the registration of electors in cities of the second class during the month next preceding the November election in each presidential year. and in all respects the elections to be held in

April, 1891, in such city or cities having a population of eighteen thousand five hundred and fifty-three (18,553) as aforesaid shall be conducted as provided by the laws now in force prescribing the manner of conducting and regulating general and special elections in cities of the second class in said state, and no person shall be permitted to vote at any general or special election in any election ward or precinct in such city or cities unless he shall have caused himself to be registered as an elector in such ward or precinct in the manner and at the times and places required by this supplemental act and the statutes pertaining to registration and voting in cities of the second class in said state and provided further, that the provisions of this supplemental act shall be and remain in full force and effect until after the presidential election of 1892 and after said election only to the extent and in the manner hereafter provided; and provided further, that on Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November next, a general registration of electors in said city or cities shall again be had in accordance with the provisions of this supplemental section and other laws pertaining to registration in cities of the second class in said state; and the mode of conducting such election shall be in all respects as now prescribed by law for conducting elections in cities of the second class; and provided further, that there shall be no general registration for the April election to be held in 1892 in such city or cities, but at such April or any special elections, at the time and places hereinbefore provided for registration days, only those electors of said city or cities having the population aforesaid shall be required to register, as may be new electors, or who have moved into any ward or precinct of any such city or cities since any general, state or April registration, and have not been registered therein, excepting that at such April or public election after the year 1891, other than presidential and state, such registration shall take place, except in the year 1891, on Friday and Saturday in the second week before any such election as now provided by law for registration and voting in cities of the second class in said state where registration has heretofore been had; and provided further, that on Thursday in the fourth week, Thursday in the third week and Friday and Saturday in the second week next before the day of the general election in November, 1892, a general registration of all electors in said city or cities having a population as aforesaid shall be again had and taken as required by law as to cities of the second class, and the voting, conducting and managing of such elections shall in all respects be in accordance with the laws now in force regulating registration and elections in cities of the second class, in said state; and after the November election of 1892, a city or cities having the population aforesaid according to the federal census of 1890 shall continue to be and remain subject to the laws governing and regulating registration of elections [electors] and voting in cities of the second class in said state; and the registration

How long act shall remain in force.

Days appointed for registration for November election in 1891.

Registration for election in April, 1892.

Registration for election in November, 1892, etc.

of electors and the holding and conducting elections therein shall in all respects be the same as in cities of the second class under the general laws aforesaid which may then be in force; and provided further, that nothing herein contained shall in any way or manner affect the provisions of section 2926*t* and all the provisions of said section 2926*t* shall be and remain in full force and effect, and applicable to any city or cities in said state having a population as aforesaid.

Certain statutes not affected by this act.

Repeals, etc.

SECTION 2. That said supplemental section [2926]*hh*, passed March 24, 1891, be and the same is hereby repealed; provided, that neither such repeal nor anything herein contained shall operate or be construed to vacate, annul or make void any acts done, proceedings had, or things done and performed under and according to the provisions of said supplemental act so repealed, and the same are hereby affirmed and declared to be legal and of full force and effect, and the appointment and election of all officers and their official acts done and performed under and by the provisions of said act are hereby declared to be in accordance with law and that their official acts done in conformity to the provisions of said appealed [repealed] act shall be construed and held to be of full binding force and effect in law; and provided further, that the provisions of this act shall only apply to cities having a population of eighteen thousand five hundred and fifty-three (18,553) as ascertained and determined by the last federal census.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
362G

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[House Bill No. 1821.]

AN ACT

To further supplement section 4836 of the Revised Statutes.

Two-mile assessment pikes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4836 of the Revised Statutes be supplemented by a supplementary section additional to those passed April 22, 1885 (volume 82, pages 144 to 147), and April 6, 1889 (volume 86, page 217), with sectional numbering as follows:

Commissioners of certain county (Lucas) authorized to issue bonds for repair of roads.

Sec. 4836*h*. The commissioners of any such county containing a city of the third grade, first class, are hereby authorized to issue and sell bonds of such county to an amount not in excess of fifteen thousand dollars ($15,000), for the purpose of paying for the repair of macadamized, stone, or gravel roads built under the provisions of the said section 4836 and sections supplemental thereto; said bonds to state for what

purpose issued, to bear interest at a rate not in excess of five per cent. per annum, payable semi-annually, to mature in not less than ten nor more than twenty years after their issue, and they shall be sold according to law and for not less than par and accrued interest; the proceeds of such bonds to be applied and used exclusively for the same purposes and in the same manner as the levy of two-tenths of one mill provided for in said supplemental sections; and the interest of such bonds is to be paid from the said levy of two-tenths of one mill, or any part of the same.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
363G

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[House Bill No. 1861.]

AN ACT

To amend section 2 of an act entitled "An act to provide for wiring and equipment of state-house with electric lights and lighting same," passed April 25, 1891.

Lighting state-house:

SECTION 1 *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled "An act to provide for wiring and equipment of state-house with electric lights, and lighting same," be amended so as to read as follows:

Adjutant-general charged with supervision of work, etc.

Sec. 2. The adjutant-general is hereby authorized and required to let the work of wiring, furnishing material and equipping the state-house with electric lights to the lowest responsible bidder. For the purpose of drawing specifications, superintending, and directing said work, and furnishing material, he is authorized to employ a competent electrician, whose services shall be paid for as other services hereby required. He is further empowered to enter into contract for the furnishing of electric light, either by the meter or for a certain period, not exceeding one year at a time. He is also further empowered and authorized to pay to the Columbus Edison electric light company out of the amount herein appropriated the sum of $2,842.39 for current supplied the state-house from December 20, 1890, to April 25, 1891, inclusive.

Certain amount to be paid Columbus Edison electric light company.

Repeals, etc.

SECTION 2. Said original section 2 is hereby repealed and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
364G

[House Bill No. 1862.]

## AN ACT

**To authorize the commissioners of any county which had at the last federal census a population of not less than twenty-seven thousand nor more than twenty-seven thousand and thirty, or that may have at any subsequent federal census such population, to issue and sell the bonds of the county for the purpose therein named.**

Commissioners of certain county (Gallia) may issue bonds to reimburse persons for money advanced for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county which at the last federal census had a population of not less than twenty-seven thousand nor more than twenty-seven thousand and thirty, or that may have such population at any subsequent federal census, be and are hereby authorized to issue and sell the bonds of such county to the amount of twenty-five thousand dollars for the purpose of re-imbursing such persons as have advanced money for the purchase of grounds for public buildings.

Bonds.

SECTION 2. Said bonds shall be issued in such sums and made payable at such times and places as said board of commissioners shall determine, and shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; and they shall be signed by the said commissioners of such county, or any two of them, and countersigned by the county auditor. Provided, that said bonds shall not be sold for less than their par value.

Levy of tax.

SECTION 3. That for the payment of the bonds and the interest thereon, said commissioners shall, during the period the bonds have to run, annually levy a tax not to exceed one mill on the dollar of taxable property of the county, in addition to the amount now authorized by law, sufficient to pay the interest and principal when due, and to create a sinking fund therefor.

Question of issue to be submitted to vote.

SECTION 4. Before any bonds are issued and tax levied, as provided by this act, the question of issuing said bonds shall be submitted to the qualified electors of said county, at a special election, of which not less than ten days' notice shall be given by publication, in all the newspapers of the county, of the purpose for which they are issued, and the time and places of holding such election; and if a majority of the electors, voting at such election upon the question of issuing said bonds, vote in favor thereof, then the commissioners shall be deemed and held to have authority to issue said bonds and levy said tax. Those voting in favor of the proposition shall have written or printed on their ballots the words "Authority to issue bonds—Yes;" and those voting against the same, the words, "Authority to issue bonds—No."

SECTION 5. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
365G

[Senate Bill No. 720.]

AN ACT

To authorize the council of certain villages of the second class to issue bonds for the purpose of encouraging manufacturing enterprises in such villages.

Certain village (Mechanicsburgh) may issue bonds for encouragement of manufacturing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of villages of the second class which at the federal census of 1890 had, or at any subsequent federal census shall have, a population of not less than 1,400 nor more than 1,470, be authorized to issue the bonds of any such village, to the amount of ten thousand [dollars] ($10,000) as hereinafter provided, for the purpose of raising a fund to encourage the establishment of manufacturing enterprises in any such villages.

Bonds.

SECTION 2. Said bonds shall be made payable at such time (not less than three years nor more than twenty years from the date thereof) as the council shall determine; they shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; they shall be in denominations of not less than one hundred dollars, and not more than one thousand dollars, as the council may direct; they shall not be sold for less than their par value, and shall be issued and sold according to law; provided however that before such bonds or any of them shall be issued the question of issuing the same shall be submitted to a vote of the qualified electors of any such village, at a special election, to be held at such time as the council shall appoint The tickets voted shall have written or printed [thereon] the words, "Authority to issue bonds—Yes;" "Authority to issue bonds—No;" if the proposition to issue bonds be approved by a two-thirds majority of those voting upon the proposition, the council shall have authority to issue such bonds, for the purpose named, as provided in this act.

Question of issue to be submitted to vote.

Levy of tax.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, or redeeming the same earlier, the said council is hereby authorized to levy a tax on all the taxable property of any such village not exceeding two mills on the dollar in any one year, in addition to the taxes now authorized by law, which levy shall be placed on the duplicate by the auditor and collected as other taxes.

Trustees.

SECTION 4 The money realized from the sale of said bonds, shall be placed in the hands of four trustees, two of whom shall be appointed by the council, and two by the mayor thereof, and said appointments shall be made within thirty days from the time of holding any such election.

Duty of trustees as to funds.

SECTION 5. It shall be the duty of, and said trustees are hereby authorized, to deposit said money in bank; to make such use of said money, for the purposes hereinbefore set forth as in their judgment may seem for the best interest of the people of any such village.

Vacancy.

SECTION 6. Should a vacancy occur in said board of trustees before the execution of their trust by death, resignation or otherwise, the mayor shall appoint a suitable person to fill such vacancy; such appointment to be subject to the approval of the council of any such village.

SECTION 7. This act shall be in force, and take effect, from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
366G

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[House Bill No. 1805.]

AN ACT

To authorize cities of the third grade of the first class to issue bonds for bridge purposes.

Certain city (Toledo) may issue bonds for construction of bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the third grade of the first class be and the same is hereby authorized and empowered, for the purpose of procuring funds for the construction of bridges, to borrow a sum of money not exceeding fifteen thousand dollars, and issue the bonds of said city therefor in denominations of not less than five hundred dollars nor more than one thousand dollars each, payable in not less than fifteen years nor more than twenty-five years from the date of their issue, and bearing interest at a rate not to exceed four and one-half per cent. per annum, payable annually or semi-annually as such council may determine. Such bonds shall be designated, issued and sold in all respects in such manner as is or may be prescribed by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
367G

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[Senate Bill No. 39.]

AN ACT

To amend section 7008 of the Revised Statutes of Ohio, as amended April 24, 1890 (O. L., vol. 87, pages 269 and 270).

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7008 of the Revised Statutes of Ohio be amended so as to read as follows:

Permitting dogs to run at large.

Sec. 7008. The owner or harborer of any animal of the dog kind, who permits such animal to be at large away from the premises occupied by him, unaccompanied by any person, shall be fined five dollars. Any person may kill any such animal so running at large, provided, that if any person in attempting to kill such animal so running at large, fails to kill and wounds the same, he shall not be liable to prosecution

under section 6951, and any person the owner or harborer of any animal of the dog kind, who refuses to pay the tax provided for in section 2833 of the Revised Statutes, or fails to return as required by law to the assessors, for taxation, a dog owned or harbored by him, liable to be taxed, shall be deemed guilty of an offense and shall be fined in any sum not exceeding five dollars, and the prosecuting attorney shall and without their securing or becoming liable for costs, upon the request of two or more property-owners of the county in which he is prosecutor, and upon affidavit being filed with him charging a violation of this section file with the probate judge his information as to the violation of the provisions of this act, and thereupon said court shall proceed against such person or persons as made and provided for by statutes, for the trial of criminal cases in probate court, and the judge of said court shall direct any constable or marshal, or may deputize any person to take possession of such animal, upon the arrest of the owner or harborer thereof, and shall after five days, and within ten days after conviction of the owner or harborer thereof, kill such animal, provided the tax, fine and costs or any part thereof remain unpaid, provided however, that any dog returned for taxation and the tax on which is paid when due shall be regarded as, and shall be property, and shall be entitled to the same protection, as other live stock, but no recovery shall be had for the malicious and unlawful injury or killing of such animal in excess of double the amount for which any such dog is listed for taxation.

Penalty for refusal to pay tax on dog.

Method of procedure against offender.

Killing of animals.

Dogs on which tax is paid to be regarded as property, etc.

SECTION 2. Sec. 7008 as amended heretofore is repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
368G

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[Senate Bill No. 399.]

AN ACT

To accept an act of congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of congress approved July second, eighteen hundred and sixty-two."

WHEREAS, By an act of congress approved August 30, 1890, it is provided as follows:

Preamble.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be and hereby is annually appropriated out of any money in the treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each state and territory for the more complete endowment

Preamble.

and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year; and the annual amount to be paid thereafter to each state and territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic sciences, with special reference to their applications in the industries of life, and to the facilities for such instruction. Provided, that no money shall be paid out under this act to any state or territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act of [if] the funds received in such state or territory be equitably divided as hereinafter set forth. Provided, that in any state in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may hereafter be established, and is now aided by such state from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such state may propose and report to the secretary of the interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SECTION 2. That the sums hereby appropriated to the states and territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the secretary of the treasury, upon the warrant of the secretary of the interior, out of the treasury of the United States, to the state or territorial treasurer, or to such officer as shall be designated by the laws of such state or territory to receive the same, who shall, upon the order of the trustees of the college or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges, or other institutions entitled to receive the same, and such treasurers shall be re-

quired to report to the secretary of agriculture and to the secretary of the interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursements. The grants of moneys authorized by this act are made subject to the legislative assent of the several states and territories to the purpose of said grants. Provided, that payments of such installments of the appropriation herein made as shall become due to any state before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the secretary of the treasury. Preamble

SECTION 3. That if any portion of the moneys received by the designated officer of the state or territory for the further and more complete endowment, support and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the state or territory to which it belongs, and until so replaced, no subsequent appropriation shall be apportioned or paid to such state or territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the secretary of agriculture, as well as to the secretary of the interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economic statistics as may be regarded useful, one copy of which shall be transmitted by mail free to all other colleges further endowed by this act.

SECTION 4. That on or before the first day of July in each year, after the passage of this act, the secretary of the interior shall ascertain and certify to the secretary of the treasury as to each state and territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which, thereupon, each is entitled, respectively to receive. If the secretary of the interior shall withhold a certificate from any state or territory of its appropriations, the facts and reasons therefor shall be reported to the president and the amount involved shall be kept separate in the treasury until the close of the next congress, in order that the state or territory may, if it should so desire, appeal to congress from the determination of the secretary of the interior. If the next congress shall not direct such sum to be paid, it shall be covered into the treasury. And the secretary of the interior is hereby charged with the proper administration of this law.

SECTION 5. That the secretary of the interior shall annually report to congress the disbursements which have

been made in all the states and territories, and also whether the appropriation of any state or territory has been withheld, and if so, the reasons therefor.

SECTION 6. Congress may at any time amend, suspend or repeal any or all of the provisions of this act.

Therefore,

Assent of state given to act of congress making appropriations for certain colleges, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the assent of the state is hereby signified to the aforesaid act of congress, and to all the purposes, conditions and provisions therein contained, and the faith of the state of Ohio is hereby pledged to the performance of all such purposes, conditions and provisions.

Treasurer Ohio state university to receive funds.

SECTION 2. That the treasurer of the Ohio state university is hereby designated to receive the moneys appropriated by said act of congress.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
369G

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[Senate Bill No. 541.]

AN ACT

To amend section 621*a* and section 621*b*, and to enact supplementary section 1719*a*.

Justices of the peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 621*a* and section 621*b* be amended so as to read as follows:

Salaries of justices of the peace: in Cleveland.

Sec. 621*a*. In all cities in this state of the second grade of the first class, each justice of the peace, for services rendered, shall receive in lieu of all fees a salary of eighteen hundred dollars, and six hundred dollars for clerk hire, and not exceeding three hundred dollars for office rent, per annum, payable out of the city treasury in quarterly payments on the first Saturday of January, April, July and October in each year, and in all townships whose boundaries are or which may hereafter be wholly within the limits of a city of the first grade of the first class each justice of the peace shall, in like manner, receive a salary of two thousand five hundred dollars per annum, and seven hundred and fifty dollars for clerk hire, and shall be provided with such suitable office accommodations together with all necessary blanks and stationery as the board of legislation, or other legislative body having like powers of each of such cities may direct. And hereafter there shall be not more than five justices of the peace for each of such townships, but the provisions of this act shall not be construed so as to prevent any present incumbent of such office from serving out the full term to which he has been elected. And in all such townships where

In Cincinnati.

Clerk hire and office accommodations, etc.

Number of justices limited.

there are more present incumbents of said office than the number to be hereafter elected no election shall be held for justice of the peace therein until by expiration of their term of office, the number of justices of the peace therein has been reduced to five, and thereafter elections shall be held in such townships to fill all vacancies occurring in such office.

Duty as to fees.

Sec. 621*b*. It shall be the duty of each justice of the peace, in all cities of the second grade of the first class, to collect the fees as provided in sections six hundred and fifteen and six hundred and twenty-one of the Revised Statutes of Ohio; and in all townships whose boundaries are, or which may hereafter be wholly within the limits of a city of the first grade of the first class in addition thereto to collect the fees as provided in section 622 of the Revised Statutes of Ohio, and make return under oath to the city treasurer on the first Saturday of January, April, July and October of each year, of all fees collected by him, and pay the same into the city treasury; he shall also make a return to the city treasurer of all fees at the same time due and uncollected; he shall, within five days after the expiration of his term of office, make an itemized statement, under oath, to the city treasurer, of all fees uncollected by him; and it is hereby made the duty of said city treasurer to collect said unpaid fees, out of which he is authorized to retain ten per cent. of the amount collected for his services, and account for the balance as other funds of such city coming into his hands as treasurer.

SECTION 2. That section 1719 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Constables: how appointed (in Cincinnati).

Sec. 1719*a*. But in townships whose boundaries are, or which may hereafter be wholly within the limits of a city of the first grade of the first class, constables shall not hereafter be elected, but such justice of the peace shall, upon the expiration of the terms of office of the constables now serving by virtue of their election heretofore, appoint two constables, no more than one of whom shall belong to the same political party, who shall receive, in lieu of all fees, three dollars per day, payable out of the city treasury, and shall be subject to removal by the justice; and all fees provided for in section 622 of the Revised Statutes of Ohio, shall be collected and accounted for as directed in section 621*b* of the Revised Statutes of Ohio, as amended in this act.

Compensation; removal; fees.

Repeals.

SECTION 3. Said original sections 621*a* and 621*b* of the Revised Statutes of Ohio are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
370G

[Senate Bill No. 711.]

AN ACT

To provide for an official stenographer for the third subdivision of the third judicial district of Ohio.

Appointment of official stenographer in third subdivision, third judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judge of the court of common pleas, of the third subdivision of the third judicial district of Ohio, composed of the counties of Fulton, Henry and Putnam, shall within thirty days after the passage of this act appoint for said counties an official stenographer who shall be a resident of one of said counties.

Salary: how distributed among counties.

SECTION 2. That the said official stenographer shall receive a salary not exceeding the sum of sixteen hundred ($1,600.00) dollars per year, payable quarterly, out of the county treasury of each of said counties, and out of the "county fund" therein and in the following proportions: Putnam county seven hundred dollars, Fulton and Henry counties each, four hundred and fifty dollars ($450.00); provided no greater amount shall be paid out of the county fund, to said stenographer than shall have been collected as stenographer fees, as herein provided.

Limit of amount paid from county fund.

Fees.

SECTION 3. That said stenographer shall receive for all transcripts of his short-hand notes taken in any case the sum of eight cents per hundred words to be paid by the party demanding the same, except when any such transcript or part thereof may be ordered by the judges, then and in that case the same shall be taxed as costs in the case and paid upon its determination as all other costs, and it is hereby further provided, that the clerk of said several courts shall in each case where oral testimony is given tax as a part of the costs thereof the sum of seven dollars per day as a stenographer fee and which shall in no case be less than seven dollars. And such costs and fee when paid to said clerk shall be by him deposited into the treasury of his county to the credit of the county fund thereof, as arising from stenographer fees.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
371G

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[House Bill No. 1819.]

AN ACT

To authorize the improving and paving of the streets in incorporated villages, which had, according to the federal census of 1880, or which at any subsequent federal census may have a population of not less than 1,220, and not more than 1,230, and to provide the means therefor.

Certain villages (Columbiana) may

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village, which

had according to the federal census of 1880, or which at any subsequent federal census may have a population of not less than 1,220 and not more than 1,230, is hereby authorized to improve and pave the streets of such village. Improve and pave streets.

SECTION 2. That the council of such village is hereby authorized and empowered, at any time within three years after the passage of this act, to borrow the sum of twenty-five ($25,000.00) thousand dollars for the purpose of improving and paving the streets of such village, and to issue the bonds of such village therefor. Said bonds shall be signed by the mayor of such village, and be countersigned by the clerk thereof, and shall be for one hundred dollars each, and shall be payable not more than twenty years from the date thereof, and shall bear interest at a rate not exceeding six per cent. per annum, payable annually, or semi-annually, and said bonds may have interest coupons attached thereto. Said bonds shall be sold at the council room in said village, after notice of such sale shall have been given in a newspaper published in said village, for two successive weeks, of the time and place of such sale, which shall not be less than ten days after the first publication of said notice. Said bonds shall be sold to the highest bidder, and for not less than the par value thereof. The money arising from the sale of said bonds shall be known as the, "street improvement fund," and shall not be used for any other purpose. In addition to other taxes the council of such village is hereby authorized, empowered, and required to levy a sufficient tax upon all taxable property in said village to meet and pay said bonds, and interest thereon, as the same shall become due and payable. The question of borrowing said money and issuing said bonds and levying said taxes shall first be submitted to the qualified electors of said village at a special election called by order of the council of said village for said purpose, of which at least ten days notice shall be given by publication, signed by the mayor of said village, in a newspaper published in said village, stating the time and place of holding said election. At said election, the ballots shall have written or printed thereon, "Street improvement bonds and tax—Yes," or "Street improvement bonds and tax—No;" and if it shall appear that a majority of the electors voting on said question at said election had upon their ballots, "Street improvement bonds and tax—Yes," then said council shall proceed to borrow said money, issue and sell said bonds and levy said tax, as provided for in this section. Issue of bonds, etc. Levy of tax. Question to be submitted to vote.

SECTION 3. That one-third of the cost of improving any street in such village, for which said street improvement fund shall be used, shall be assessed on the real estate bounding and abutting thereon, and in proportion to the assessed valuation thereof, according to the last decennial valuation of said real estate, made before such assessment, except that so much of said improving and paving as shall be done upon street and alley intersections shall be wholly paid out of said street improvement fund. When the council of such village shall have resolved to improve and pave any street in such village, and shall have made such assessment on said real estate One-third of cost to be assessed on abutting property. Intersections to be paid for by village. Publication of notice of assessment.

bounding and abutting thereon, the mayor of such village shall cause notice of said assessment on said real estate, to be published in a newspaper published in said village. After such improving and paving of any such street shall have been completed, the clerk of such village shall certify said assessment to the auditor of the county in which such village is located, who shall enter the same upon the tax duplicate of the county, and said assessment shall be collected in the same manner as are other taxes. When said taxes shall have been collected, the same shall be placed to the credit of said street improvement fund, and shall be a part thereof. Such assessment shall be collected in ten equal annual installments from and after the assessment thereof; but the owner of any such assessed property may, within ninety days after such assessment shall have been made, pay to the treasurer of such village the entire amount of his or her assessment, less a rebate of six per cent. per annum, and such treasurer shall give a receipt in full for such assessment, and certify the same to the auditor of said county, who shall place the same on the tax duplicate opposite such assessed property, "assessment paid to village treasurer;" provided, however, that no such assessment shall be made and collected, unless a majority of those owning real estate bounding and abutting on any street shall have first signed a petition to said council, praying for the improving and paving of such street, and praying that such assessment be made for said purpose, and provided, further, that notice of the time of presenting such petition to council shall first be given in a newspaper published in said village at least five days before presenting the same; and provided, further, that said council shall have first found that a majority of such property-owners shall have signed said petition.

Collection of assessment.

Petition, etc.

SECTION 4. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
372G

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[House Bill No. 1837.]

AN ACT

**To authorize cities of the second grade of the first class to issue bonds for the purpose of erection or repair of certain bridges therein.**

Cities second grade, first class (Cleveland), may issue bonds for erection or repair of bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the second grade of the first class in the state of Ohio, be and it is hereby authorized to borrow money in a sum not to exceed two hundred thousand dollars ($200,000.00) at a rate of interest not to exceed five (5) per centum, payable semi-annually, for the purpose of construction or repair of bridges within such city as the council may direct; for the purpose of paying said indebtedness such city

is hereby authorized to issue bonds thereof for the aggregate amount of said loan in such denominations and payable at such time or times as the council may determine. Said bonds, except as indicated in the foregoing, shall in all other respects conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
373G

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[House Bill No. 1840.]

AN ACT

Supplementary to section 2293*d* of the Revised Statutes to authorize certain villages to make street improvements and issue bonds to defray portions of the expense thereof.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2293*d* of the Revised Statutes (87 Ohio laws 201), with sectional numbering, as herein provided:

Council of certain village (Avondale) authorized to improve streets with granite block, asphalt, etc.

Sec. 2293*e*. Whenever it is declared necessary by the council of any village which contained at the last federal census or which shall hereafter contain a population of not less than four thousand four hundred and seventy and not more than four thousand four hundred and ninety-five, or any village which is or may become contiguous to any city which is now or may become a city of the first grade, first class, any of the streets of which form a continuation of any of the streets of such city, to make more durable street improvements than have heretofore been made therein, every such village is hereby authorized and empowered to cause any of its streets, avenues or highways, to be improved with granite blocks, asphalt pavement, or other material, and in such cases when the method adopted for the payment of such improvements, is that prescribed in this supplemental act, the procedure shall be as follows:

Commissioners of street improvements.

1st. The council shall appoint four citizens, who shall be real estate owners, of such village to be known and to act as commissioners of street improvements. Said commissioners shall be chosen, each for a term of five years, and until their successors are appointed and qualified, and a vacancy occurring in any such office in any manner, shall be filled by appointment in manner aforesaid. The duties and powers of said commissioners shall be performed without compensation, shall be applicable only to such improvements as are made under, and in pursuance of this supplemental act, and shall be the following: They shall organize by selecting one of their number as chairman and by the appointment of some

suitable person as their secretary. Three of said commissioners shall form a quorum for the transaction of business, and three concurring votes shall be necessary for the adoption of any resolution or order passed by them. They shall hold regular meetings at a fixed place, and at certain periods, to be by them named and made known, and in addition, such special meetings as may be found necessary. They shall keep a complete record of all their proceedings; the ayes and nays shall be called and entered upon their minutes upon the passage of every resolution or order of any kind; and a copy from the records so kept, certified by the secretary, shall be competent evidence in all courts.

Secretary, superintendents, etc.

Said commissioners shall employ a secretary and such superintendents, laborers, and other persons as they shall deem necessary for the execution of their duties, but the compensation of all such employes shall be furnished by council and fixed within limits prescribed by it, and all such employes may be removed by said commissioners at any time; it is also provided, that the services of the village engineer, shall be subject to the control of said commissioners, in respect to all improvements made by virtue of this act.

Petitions for improvement: when and how granted.

Whenever the owners of more than one-half of the feet front of the lots and lands, abutting on any street, avenue, or public highway, between designated points, petition said commissioners for an improvement thereof, and said commissioners deem it advisable that such improvement shall be made and paid for, according to the provisions of this act, said commissioners shall make an investigation as to the grade and character of improvement required, and a careful estimate of the cost of such improvement; when such investigation and estimate are completed, said commissioners shall report a suitable grade and plan, and the estimated cost to the council with such recommendation in respect thereto as said commissioners shall consider proper. If they, or any three of them recommend the making of such improvement, and not otherwise, the council shall order the same to be made, with the right however to change such grade and plan.

Application of existing statutes.

And the provisions of the statutes in relation to authorizing and making street improvements, levying and collecting taxes and assessments therefor, and the limitations imposed, in so far as said provisions are applicable, except as modified by this act, shall govern and control the council and lot-owners in respect to such improvements.

Commissioners to supervise work, etc.

When a contract has been signed for any such improvement, said commissioners shall supervise and control the execution of the work required to be done under such contract, and no material shall be furnished, or work done thereunder, except in accordance with the contract and the approval of said commissioners. Nothing shall be due or recoverable upon any such contracts, until and unless the materials furnished and work done thereunder, are approved in writing, by at least three of said commissioners, and

Extra labor or material.

no claim for materials greater in quantity or different in kind, from that prescribed by the contract and no claim for extra work or service of any kind, shall be allowed or recoverable by action, unless the same shall be shown to have been furnished or done in pursuance of a previous written order, given

therefor with the price specified by at least three of said commissioners. Upon the completion of any such improvement, said commissioners shall cause to be prepared and presented to council an itemized statement of the cost thereof, together with the rate of assessment to be charged against the property to be assessed, and the amount due from the village corporation for such improvement.

Itemized statement of cost.

2nd. The word "owners" as used in connection with the petitions provided for in the above paragraph shall be held to include such guardians and trustees as may be authorized by the court or other body, or persons appointing them to sign any such petition.

"Owners" defined.

3d. The cost of improvements hereunder shall include only such items and expenditures as are mentioned in section 2284 of the Revised Statutes. One-half of the cost of every such improvement, shall be paid by the village at large, out of the funds hereinbelow authorized to be raised for such improvements; provided, however, that such half of the cost shall be held to include all other costs of such improvements required to be paid by the corporation, including the cost of intersections. The remaining half of the cost of every such improvement, shall be assessed upon the parcels of land abutting upon the improvement, in the manner herein prescribed; except that, when any such improved streets are in a direction other than at right angles to the abutting lots, then the frontage of all such lots abutting on such improvements, shall be measured and estimated by the base line of a right-angled triangle of which the line of the improved street shall be the hypothenuse; said base line to be considered the actual frontage of such lot for assessment purposes under this act; provided that such one-half of the cost, together with interest at the rate of five per centum per annum on any bonds that may be issued in anticipation of the assessment, shall be assessed and collected in ten (10) equal, annual installments upon the property abutting on the improvement; but any owner so assessed shall have the right to pay said assessment in full, or one or more installments thereof, at any time, with five per cent. interest thereon from date of the assessment.

Cost of improvements: what included in.

One-half cost to be assessed on abutting property.

How assessments collected.

4th. In order to provide a fund to pay for so much of the cost of the improvements herein mentioned as the village at large is to pay, the council may issue bonds in the name of the village, under its corporate seal; provided, that the total amount of said bonds at no time shall exceed twelve and a half per centum of the total tax valuation of the property, personal and real, of the village; that said bonds shall be made payable in thirty years after the date of their issue, and bear interest at a rate not above four per centum per annum; that they shall be signed by the mayor of the village, and attested by the clerk of the corporation, and shall be secured by the pledge of the faith, and credit of the village, and a tax which shall be levied by the council annually upon the taxable property of the village and certified to the county auditor in an amount sufficient to pay the interest thereon, and to provide a sinking fund for the final redemption of the

Bonds.

Levy of tax, etc.

bonds; that said tax shall be in addition to the amount now and otherwise authorized to be levied in such villages for municipal purposes; and that said bonds shall be sold in the manner provided by law, and the proceeds arising therefrom applied and used only for the purposes mentioned in this act.

Proceedings under previous act legalized

Provided, that wherever the council of any village of the first class, in any county containing a city of the first grade, first class, or any village of the class herein created, has heretofore declared it necessary to make more durable street improvements and has appointed commissioners and undertaken proceedings to authorize and make improvements under and pursuant to the act entitled "An act supplementary to section 2293 of the Revised Statutes to authorize villages in certain instances, to make street improvements and issue bonds to defray portions of the expense thereof," passed April 15, 1890, all acts and things done or caused to be done thereunder by the authorities of any such village and by the commissioners of street improvements so appointed, shall be and remain as valid and binding as if they were all and singular repeated and re-adopted under and pursuant to the provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
374G

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[House Bill No. 1843.]

## AN ACT

To authorize the commissioners of certain counties to construct and improve approaches to bridges.

Commissioners of certain county (Ottawa) authorized to construct and improve approaches to bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county having at the last federal census not less than 21,900 nor more than 22,000 inhabitants, be and are hereby authorized to construct permanent approaches to any county bridge in said county by macadamizing or otherwise improving approaches and roads leading to such bridges for a distance not to exceed one-half a mile from each end of such bridges, and said commissioners are hereby authorized to pay the expenses and costs of such improvements out of the general fund of such counties.

SECTION 2. This act shall be in force and take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
375G

[House Bill No. 1093.]

AN ACT

To amend section 5697 of the Revised Statutes of Ohio.

Divorce and alimony:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5697 of the Revised Statutes be amended so as to read as follows:

Competency and effect of testimony and admissions of the parties.

Sec. 5697. Pleadings under this chapter need not be verified, and a divorce or a judgment for alimony shall not be granted upon the testimony or admissions of a party unsupported by other testimony, nor shall any admission be received which the court has reason to believe has been obtained by fraud, connivance, coercion or other improper means, but the parties shall, notwithstanding their marital relation, be competent to testify in actions and proceedings under this chapter as fully and to the same extent that any other witness might.

Repeals, etc.

SECTION 2. Said original section 5697 is hereby repealed; and this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
376G

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[House Bill No. 1309.]

AN ACT

To amend section 994 of the Revised Statutes of Ohio, as amended April 21, 1886, and section 995 of the Revised Statutes of Ohio, as amended April 13, 1889, and section 1011 of the Revised Statutes of Ohio.

Board of control:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 994 of the Revised Statutes be amended so as to read as follows:

Hamilton county board of control.

Sec. 994. In each county containing a city of the first grade of the first class there shall be, in addition to the board of county commissioners, a board of control, consisting of four members, who shall be residents of and tax-payers in such counties. At the election to be held on the first Tuesday after the first Monday in November, A. D. 1891, there shall be elected by the qualified electors of such counties, four members of the board of control, who shall serve as follows: The two persons receiving the highest number of votes for three years, and the two receiving the next highest number of votes for two years, and in case of a tie, the terms of each shall be decided by lot, and as the terms of members expire, their successor shall be elected to serve for three years.

SECTION 2. That section 995 of the Revised Statutes be amended so as to read as follows:

Organization of board; its duties, etc.

Sec. 995. The members of such board of control shall meet at the court-house on Tuesday of each week. The

members appointed, as provided in the preceding section, shall convene on the first Tuesday after their appointment and qualification, and the members thereafter elected as provided shall, annually, assemble together on the second Tuesday of December and organize the board; a majority of the members shall be necessary to constitute a quorum for the transaction of business. All their proceedings shall be public; they shall determine the rules of their proceedings, and these shall, as far as possible, be in accordance with parliamentary law; they shall keep a journal of their proceedings, which shall be open at all proper times to the inspection of the public, and may compel the attendance of absent members in such manner as they prescribe. They shall elect from their own body a president, who shall preside at their meetings, and they may elect a president pro tempore. The members of the board of control shall each receive as compensation for their services five dollars for every regular meeting they attend, to be paid monthly by warrant drawn by the county auditor upon the county treasurer, on bills certified by the president and clerk of the board with seal attached.

Compensation.

SECTION 3. That section 1011 of the Revised Statutes be amended so as to read as follows:

Every officer shall furnish necessary information.

Sec. 1011. Every officer of the county shall furnish to the board of county commissioners and board of control such information as pertains to the business of their respective offices, as either of said boards may require, by a resolution duly passed and entered on their minutes, and the said board of control shall have the power to act as a board of revision, and make examination of any county institution which the county has in any way to contribute to the support of, or of any county office, and shall have and may exercise all the authority to issue subpœna and compulsory process, and direct the service thereof by any constable or sheriff, compel the attendance of witnesses, and the production of books and papers before a majority of the members thereof at any designated place, to administer oaths, or to punish for disobedience of subpœna, or for refusal to be sworn or to answer as a witness, which is conferred upon courts or officers authorized to take depositions, and may have power to employ expert accountants or other persons to aid them in the examination of books and papers in the performance of the duties hereby imposed, at such compensation as may be fixed by said board, the bills for which, after approval by the board, duly attested by the president and clerk thereof, shall be paid as other bills against the county are paid.

Board of control empowered to act as board of revision.

Repeals.

SECTION 4. That section 994, as amended April 21, 1886, and 995, as amended April 13, 1889, and section 1011 of the Revised Statutes be and the same are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
377G

[House Bill No. 1439.]

AN ACT

Making appropriations for the last three-quarters of the fiscal year ending November 15, 1891, and the first quarter of the fiscal year 1892.

General appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, the following sums for the purposes hereinafter specified, to-wit:

*Adjutant-General's Department:*

Salary of assistant clerk, four hundred dollars ($400.00).

Salary of superintendent of state arsenal, ordnance clerk and book-keeper, three hundred dollars ($300.00).

Salary of transcribing clerks, thirty-three hundred dollars ($3,300.00).

Contingent expenses and inspection, twelve hundred dollars ($1,200.00).

Care of military stores and freight on arms, eleven hundred dollars ($1,100.00).

For making soldiers' roster Ohio troops for publication, and procuring copy from war department at Washington, fourteen thousand dollars ($14,000.00).

For publishing roster Ohio troops, ten thousand dollars ($10,000.00).

Transportation indigent soldiers, one hundred dollars ($100.00).

*Ohio National Guard:*

Pay O. N. G. in camp, thirty-two thousand five hundred dollars ($32,500.00).

Transportation O. N. G., including transportion and other expenses of O. N. G. attending at funeral of General Sherman, thirteen thousand six hundred dollars ($13,600.00).

Subsistence O. N. G., twelve thousand dollars ($12,000.00).

Incidental expenses military companies, thirteen thousand dollars ($13,000.00).

Horse hire for batteries, four thousand dollars ($4,000.00).

Forage for horses, three hundred dollars ($300.00).

Uniforms, overcoats and blankets, twelve thousand and five hundred dollars ($12,500.00).

Fuel, lumber, straw, medical supplies and rent of camp, three thousand dollars ($3,000.00).

Expense courts martial, four hundred dollars ($400.00).

*State House and Grounds:*

Salary of two firemen, four hundred dollars ($400.00).

Salary of four regular laborers, nineteen hundred dollars ($1,900.00).

Extra labor, five hundred dollars ($500.00).

Material and repairs, fifteen hundred dollars ($1,500.00).

Fuel for state-house, nine hundred dollars ($900.00).

General appropriations.

Care and repair of heating apparatus, six hundred dollars ($600.00).

*Ohio State Board of Agriculture:*

Encouragement of agriculture, five thousand dollars ($5,000.00).

Contingent expenses, eight hundred dollars ($800.00).

Carpets and furniture, one hundred and seventy-five dollars ($175.00).

*Agricultural Experiment Station:*

Fire-proof safe, office furniture and museum cases, eight hundred dollars ($800.00).

Field experiments with insect enemies and fungous diseases of plants, six hundred dollars ($600.00).

Sub-station for field experiments with fertilizers, one thousand dollars ($1,000.00).

Repairs and improvements, three hundred dollars ($300.00).

Expense of board of control, two hundred dollars ($200.00).

Illustrating bulletin, five hundred dollars ($500.00).

*Attorney-General:*

Salary of extra clerk, two hundred dollars ($200.00).

Contingent expenses, four hundred dollars ($400.00).

Fees on collections, one thousand dollars ($1,000.00).

Expenses in case state of Ohio vs. the Standard oil company, two hundred and fifty dollars ($250.00).

*Auditor of State:*

Contingent expenses, fifteen hundred dollars ($1,500.00).

*Board of Health:*

General expenses of board, five thousand dollars ($5,000.00).

*Board of Live Stock Commissioners:*

General expenses of board, twenty-five hundred dollars ($2,500.00).

*Board of Pardons:*

Expenses of board, three hundred dollars ($300.00).

*Board of State Charities:*

Expenses of board, including investigations when ordered by governor, fifty-four hundred dollars ($5,400.00).

*Board of Public Works:*

Miami and Erie canal, keeping in repair and improvement of, all of its earnings, except as below appropriated, and its balances and ten thousand dollars. The amount

General appropriations.

appropriated in addition to earnings shall be in lieu of any appropriation for culvert or drains under said canal, and the expense thereof shall be paid out of this fund, and shall be taken to re-imburse said canal for money heretofore taken from it for canal commission, to include seven hundred and fifty dollars ($750.00), for a culvert two rods north of mile-stone 165 on the Miami & Erie canal in Paulding county, Ohio.

Northern division Ohio canal, keeping in repair and improvement of, all of its earnings, except as below appropriated, its balance and twenty-three thousand dollars ($23,000.00).

Southern division Ohio canal, keeping in repair and improvement of, all of its earnings, except as below appropriated, its balance and twenty thousand dollars ($20.000.00), fifteen hundred dollars of which amount may be used in the repair of the Hocking canal, if deemed necessary by the board of public works.

Walhonding canal, all of its earnings and balance.

Contingent expenses, five hundred dollars ($500.00).

Attorney's fees, to be paid out of the earnings of the canal for which service is rendered, two thousand dollars ($2,000.00).

Members' traveling expenses for each, to be paid according to law, equally out of the earnings of each division, six hundred dollars ($600.00).

Salary of secretary, fifteen hundred dollars ($1,500.00).

For clerk hire, seven hundred dollars ($700 00).

For furniture and repairs, one hundred dollars ($100.00)

*Canal Commission:*

Expenses of commission, six thousand five hundred dollars ($6,500.00).

Salaries of members, three thousand six hundred dol lars ($3,600.00).

*Ohio Dairy and Food Commissioners:*

Expenses of chief commissioner, four hundred and fifty dollars ($450 00).

Expenses of assistant commissioners, nine hundred dollars ($900 00).

Compensation of chemist, eight hundred dollars ($800.00).

Expense of prosecution, one thousand dollars ($1,000.00).

*State Common School Commissioner:*

Traveling expenses, four hundred and fifty dollars ($450.00).

Contingent expenses, five hundred and fifty dollars ($550 00).

For per diem and expenses of state board of school examiners, six hundred dollars ($600.00).

Boxing and shipping reports, fifty dollars ($50.00).

Furniture, seventy-five dollars ($75.00).

*Commissioner of Railroads and Telegraphs:*

General appropriations.

Inspectors to examine bridges, structures and railroad appliances, eight hundred dollars ($800.00).

Expenses outside, three hundred dollars ($300.00).

Contingent expenses, six hundred dollars ($600.00).

Furniture, painting and repairs, one hundred and fifty dollars ($150.00).

*Bureau of Statistics of Labor:*

Clerk hire, twenty-one hundred dollars ($2,100.00).

Contingent expenses, four thousand dollars ($4,000.00).

Traveling expenses, four hundred and fifty dollars ($450.00).

*Commissioners Public Printing:*

Printing paper, twenty thousand dollars ($20,000.00).

*State Forestry Bureau:*

Expense of bureau and maps, twelve hundred dollars ($1,200.00).

*State Geologist:*

State geologist salary, assistants and expenses as provided by act passed April 12, 1889 (O. L. vol. 86, p. 262), one thousand dollars ($1,000.00).

*Fish and Game Commission:*

Fish propagation, investigation of streams and prosecution of violators of fish and game laws, expenses of commissioners and salaries of wardens, eight thousand dollars; provided, however, not more than ($4,000) shall be expended for expenses of prosecutions and salaries of wardens ($8,000.00).

Railroad car for transportation of fish for stocking streams, thirty-five hundred dollars ($3,500.00).

Expense of transporting fish for stocking streams, two thousand dollars ($2,000.00).

*Asylum for Epileptics and Epileptic Insane:*

For construction, to be expended under the direction of the trustees, forty thousand dollars ($40,000.00).

*Executive Department:*

Contingent expenses, newspapers and clerk hire, fifteen hundred dollars ($1,500.00).

Stenographer, twelve hundred dollars ($1,200.00).

*Horticultural Society:*

Horticultural society; promotion of horticulture, pomology, etc., eight hundred and fifty dollars ($850.00).

*Inspector of Mines:*

Contingent expenses, thirty-four hundred dollars ($3,400.00). General appropriations.

Clerk hire, seven hundred dollars ($700.00).

*Inspector of Workshops and Factories:*

Traveling expenses of chief inspector, eight hundred dollars ($800.00).

Traveling expenses of district inspectors, seventeen hundred and fifty dollars ($1,750.00).

Clerk hire, two thousand and twenty dollars ($2,020.00).

Contingent expenses, eight hundred dollars ($800 00).

Furniture and repairs, seventy-five dollars ($75.00).

Scientific instruments, four hundred dollars ($400.00).

Attorney fees, three hundred dollars ($300 00).

Type-writer and cabinet, one hundred and twenty-five dollars ($125.00).

*Ohio State Reformatory:*

For construction, one hundred thousand dollars ($100,000.00).

*Law Librarian:*

Statutes of states and books for law library, eleven hundred dollars ($1,100.00).

Telephone, sixty dollars ($60.00).

Electric light for entire department, three hundred dollars ($300 00).

Shelving, furniture, painting, cleaning, repairs and carpets, four hundred dollars ($400.00).

*Legislature:*

For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber and hall of the house and committee rooms after the adjournment of the general assembly in the spring of 1891, and taking care of the same until the meeting of the general assembly in January, 1892, and preparing the same for said meeting, and for taking care of the bill-books and other property of the members as requested by them, one thousand dollars ($1,000.00), to be paid to him at the rate of four dollars ($4.00) per day, on the warrant of the auditor of state. For an assistant for said Frederick Blankner, in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, four hundred dollars ($400), to be paid to said assistant on the warrant of the auditor of state ($1,400.00).

Contingent expenses of clerk of senate, one hundred and twenty-five dollars ($125.00).

Contingent expenses of clerk of house, one hundred and fifty dollars ($150.00).

For chief clerks of the senate and house of representatives, one thousand dollars each ($1,000.00) for completing the record of the journals of the senate and house of representatives, for

General appropriations.

the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant, from time to time, on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks to be correct, for such sum as may be therein designated, until the aforesaid sum of one thousand dollars to each shall have been fully paid ($2,000.00).

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms, and employes, while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45, of the Revised Statutes, forty-three thousand dollars ($43,000.00).

House contingent fund, ten hundred dollars ($1,000.00).

Senate contingent fund, fifteen hundred dollars ($1,500.00).

Expense legislative committees, seven hundred dollars ($700.00).

*State Board of Equalization:*

For salary members, officers and employes, twenty-five thousand dollars ($25,000.00).

Contingent expenses, fifteen hundred dollars ($1,500.00).

*Ohio Meteorological Bureau:*

Expenses of, fourteen hundred dollars ($1,400.00).

*Ohio Penitentiary:*

Salaries of officers, eighteen thousand dollars ($18,000.00).

Salaries of guards, sixty thousand dollars ($60,000.00).

Current expenses, one hundred thousand dollars ($100,000.00).

Expenses of execution, fifteen hundred dollars ($1,500.00).

Horses and carriages and wagons, seven hundred dollars ($700.00).

Electric light, six hundred dollars ($600.00).

Library, two hundred dollars ($200.00).

Manufacture of gas, eleven thousand dollars ($11,000.00).

Moral and religious instruction, two hundred dollars ($200.00).

Repairs and improvements, fourteen thousand dollars ($14,000.00).

Rewards to discharged convicts, nine thousand dollars ($9,000.00).

Sewerage and water-works, three thousand dollars ($3,000.00).

Furniture and carpets, five hundred dollars ($500.00).

Prosecution and transportation of convicts, ninety thousand dollars ($90,000.00).

For repair of laundry partially destroyed by fire, two thousand dollars ($2,000.00).

*Secretary of State:*

General appropriations.

Salary stenographer, eight hundred dollars ($800.00).
Extra clerk hire, twenty-four hundred dollars ($2,400.00).
Distribution of books, two thousand dollars ($2,000.00).
Contingent expenses, eighteen hundred dollars ($1,800.00).
Stationery, six thousand dollars ($6,000.00).
Furniture, painting and repair, two hundred dollars ($200 00).

*State Library:*

Books, magazines and newspapers, twelve hundred dollars ($1,200.00).
Contingent expenses, one thousand dollars ($1,000.00.)
Janitor's salary, two hundred and forty dollars ($240.00).

*Superintendent of Insurance:*

Salaries of extra clerks, eleven hundred dollars ($1,100 00).
Contingent expenses, fourteen hundred dollars ($1,400.00).
Salary of actuary, two hundred and fifty dollars ($250.00).
Repair office, furniture and carpets, three hundred dollars ($300.00).
Exchange type-writer, sixty dollars ($60.00).

*Supervisor of Public Printing:*

State printing, twenty-one thousand dollars ($21,000.00).
State binding, twenty-five thousand dollars ($25,000.00).
Contingent expenses, one hundred and sixty dollars ($160.00).
Machineries in office, [twelve hundred dollars] ($1,200.00).

*Supreme Court:*

Painting, cleaning and repairs, two hundred dollars ($200.00).

*Clerk of Supreme Court:*

Extra clerk and stenographer, six hundred dollars ($600 00).
Contingent expenses, two hundred dollars ($200.00).

*Reporter Supreme Court:*

Contingent expenses, two hundred dollars ($200.00).

*Treasurer of State:*

Contingent expenses, four hundred dollars ($400.00).
Collecting auditor of state's drafts, fifteen hundred dollars ($1,500.00).
Alarm telegraph, thirty-six dollars ($36.00).
Telephone, fifty dollars ($50.00).
Carpets, furniture and repairs, two hundred dollars ($200.00).

*Miami University:*

General appropriations.

Grounds, three hundred dollars ($300.00).
Library, one thousand dollars ($1,000.00).
Repair of buildings, one thousand dollars ($1,000.00).
Salary of treasurer, three hundred dollars ($300.00).
Apparatus, six hundred dollars ($600.00).
Salaries, five thousand dollars ($5,000.00).
Equipment of laboratory, five thousand dollars ($5,000.00).
Expense trustee and secretary, six hundred dollars ($600.00).

*Ohio University:*

Trustees' expenses, three hundred and twenty-five dollars ($325.00).
Current expenses and repairs, thirteen hundred and fifty dollars ($1,350.00).
Library and reading-room, seven hundred and fifty dollars ($750.00).
Salaries of teachers, five thousand dollars ($5,000.00.)
Department of mathematics, one hundred and fifty dollars ($150.00).
Department of natural science, three hundred dollars ($300.00).
Department of physics and chemistry, three hundred and fifty dollars ($350.00).
Improvement of grounds, one hundred and twenty-five dollars ($125.00).
Maps and charts, one hundred and fifty dollars ($150.00).
Department of pedagogy, two thousand dollars ($2,000.00).

*Ohio State University:*

Expense of trustees, five hundred dollars ($500.00).
Ordinary repairs, three thousand five hundred dollars ($3,500.00).
Salaries, two thousand dollars ($2,000.00).
Fuel and care of buildings, four thousand dollars ($4,000.00).
Improvement of campus and Neil avenue, twenty-five hundred dollars ($2,500.00).
Green-house, six hundred dollars ($600.00).
Library, two thousand dollars ($2,000.00).
Equipment and support of school of mines, thirty-five hundred dollars ($3,500.00).
Equipment department of physics, five thousand dollars ($5,000.00).
Printing and advertising, one thousand dollars ($1,000.00).
For purchase four sets of standard weights and measures (section 145, O. R. S.) and for cases for preservation of standard weights and measures, six hundred and seventy-five dollars ($675.00).

*Wilberforce University:*

To aid in establishment and maintenance of a combined normal and industrial department, six thousand dollars ($6,000.00).

*Athens Asylum for the Insane:*

General appropriations.

Current expenses, eighty-four thousand dollars ($84,000.00).

Expenses of trustees and salary of secretary, six hundred dollars ($600.00).

Ordinary repairs and improvements, fifty-five hundred dollars (including rebuilding coal-house), ($5,500 00).

Salary of officers, thirty-six hundred dollars ($3,600.00).

Painting, one thousand dollars ($1,000.00).

Carpets, furniture and bedding, one thousand dollars ($1,000.00).

Grading, five hundred dollars ($500.00).

Horses, wagons and carriages, six hundred dollars ($600.00).

Books and pictures, and surgical instruments, one hundred and fifty dollars ($150.00).

Improving pike road, five hundred dollars ($500.00).

*Cleveland Asylum for the Insane:*

Current expenses, eighty thousand dollars ($80,000.00).

Salary of officers, thirty-nine hundred dollars ($3,900.00).

Ordinary repairs and improvements, forty-seven hundred dollars ($4,700.00).

Books and pictures, one hundred and fifty dollars ($150.00).

Trustees' expenses and salary of secretary, six hundred dollars ($600.00).

Painting, one thousand dollars ($1,000.00).

Carpets, furniture and bedding, one thousand dollars ($1,000.00).

For enlargement of asylum by construction of new wing, thirty-five thousand dollars ($35,000.00).

Root and vegetable cellar, twelve hundred dollars ($1,200.00).

*Columbus Asylum for the Insane:*

Current expenses, one hundred and twenty thousand dollars ($120,000 00).

Salary of officers, forty-one hundred dollars ($4,100.00).

Ordinary repairs and improvements (including repair of conservatory and new fencing), seven thousand dollars ($7,000.00).

Expenses trustees and salary of secretary, six hundred dollars ($600.00).

Grading, five hundred dollars ($500.00).

Carpets, furniture and bedding, fifteen hundred dollars ($1,500.00).

Horses, harness, carriages and wagons, one thousand dollars ($1,000.00).

Painting, one thousand dollars ($1,000 00).

Books and pictures, one hundred dollars ($100.00).

Kitchen and laundry apparatus, nine hundred dollars ($900.00).

Completing heating, plumbing and sewerage, congregate dining-hall, eight thousand dollars ($8,000.00).

*Dayton Asylum for the Insane:*

General appropriations.

Current expenses, seventy thousand dollars ($70,000.00).
Salary of officers, thirty-eight hundred dollars ($3,800 00).
Ordinary repairs, twenty-five hundred dollars ($2,500.00).
Expenses of trustees and salary of secretary, four hundred dollars ($400.00).
Books and pictures, one hundred dollars ($100.00).
Carpets, bedding and furniture, six hundred dollars ($600 00).
Painting, eight hundred dollars ($800.00).
Horses and cows and wagons, four hundred and fifty dollars ($450.00).
Ditching and tiling of springs for water supply, five hundred dollars ($500.00).
Fencing, two hundred dollars ($200.00).
For two buildings for congregate dining-halls, thirty thousand dollars ($30,000.00).
And all moneys derived from the sale of 50-acre tract of land belonging to said institution when sold under direction of general assembly.

*Longview Asylum:*

Current expenses, ninety-five thousand dollars ($95,000.00).
This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the directors of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amounts, and said appropriation shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1891, and ending February 15, 1892.

*Toledo Asylum for the Insane*

Current expenses, one hundred and ten thousand dollars ($110,000.00).
Salary of officers, three thousand dollars ($3,000.00).
Ordinary repairs and improvements, eight thousand dollars ($8,000.00).
Trustees' expenses and salary of secretary, six hundred dollars ($600 00).
Painting, twelve hundred dollars ($1,200.00).
Books, pictures and surgical instruments, three hundred dollars ($300.00).
Grading, trees and shrubbery, seven hundred dollars ($700.00).
Vegetable cellar, five hundred dollars ($500.00).
Furniture and furnishing, fifteen hundred dollars ($1,500.00).
Horses, wagons and harness, two hundred and fifty dollars ($250 00).

Completing and furnishing amusement hall, two thousand dollars ($2,000.00).

Roads and walks, one thousand dollars ($1,000.00).

*Boys' Industrial School:*

Current expenses, twenty-nine thousand dollars ($29,000.00).

Salary of officers, nineteen thousand eight hundred dollars ($19,800.00).

Trustees' expenses, five hundred dollars ($500.00).

Ordinary repairs, painting and improvements, twenty-five hundred dollars ($2,500.00).

Rewards, five hundred dollars ($500.00).

Books for boys' library and tellurion, three hundred dollars ($300.00).

Grading roads, five hundred dollars ($500.00).

Furniture, bedding and carpets, five hundred dollars ($500.00).

Horses, carriages and wagons, three hundred dollars ($300.00).

To complete barn, five hundred dollars ($500.00).

Machinery, tools and materials for industrial pursuits, forty-five hundred dollars ($4,500.00).

Green-house, two hundred dollars ($200.00).

*Girls' Industrial Home:*

Current expenses, ten thousand dollars ($10,000.00).

Salaries of officers and teachers, twelve thousand and four hundred dollars ($12,400.00).

Trustees' expenses, six hundred dollars ($600.00).

Library, two hundred dollars ($200.00).

Telephone, one hundred and fifty dollars ($150.00).

Ordinary repairs, painting and improvements, one thousand dollars ($1,000.00).

Furniture, furnishing and carpets, eight hundred dollars ($800.00).

Religious service, two hundred dollars ($200.00).

Machinery, fixtures and materials for industrial pursuits, four hundred dollars ($400 00).

Grading and improving grounds, five hundred dollars ($500 00).

Fruit trees, berries and plants, one hundred dollars ($100.00).

The balance of ($3,000.00) remaining in the state treasury to the credit of the electric light plant fund for said girls' industrial home is hereby transferred as follows: For repairing and enlarging gas plant, ($1,750.00), and for grocery and cold storage, ($1,250.00).

*Blind Asylum:*

Current expenses, thirty-one thousand dollars ($31,000.00).

Salaries of officers and teachers, nine thousand nine hundred and fifty dollars ($9,950.00).

General appropriations.

Ordinary repairs and improvements, thirty-two hundred dollars ($3,200.00).

Books and school apparatus, nine hundred dollars ($900.00).

Carpets, bedding and furniture, seven hundred dollars $700.00).

Steam pipe and heating apparatus, five hundred dollars, ($500.00).

Trustees' expenses, four hundred dollars ($400.00).

Care of ground and repair, and new walks, twenty-five hundred dollars ($2,500.00).

For horses, two hundred dollars ($200.00).

Laundry fixtures, two hundred and fifty dollars ($250.00).

*Deaf and Dumb Asylum:*

Current expenses, forty-nine thousand dollars ($49,000.00).

Ordinary repairs and improvements, including plumbing, and water supply, five thousand dollars ($5,000.00).

Salaries of officers and teachers, eighteen thousand three hundred dollars ($18,300.00).

Trustees' expenses and salary secretary, eight hundred and sixty dollars ($860.00).

Supplies for shoe shop, nine hundred dollars ($900.00).

Salary foreman carpenter shop, two hundred dollars ($200.00).

Supplies for carpenter shop, two hundred dollars ($200.00).

Supplies for tailor shop, four hundred dollars ($400.00).

Salary foreman printing office, two hundred dollars ($200 00).

Printing office supplies, three hundred dollars ($300.00).

Furniture and carpets, six hundred dollars ($600.00).

Lumber and nails for boxing, six hundred dollars ($600.00).

Carriage, two hundred and twenty-five dollars ($225.00).

Repair and enlargement conservatory, eight hundred dollars ($800 00).

*Institution for Feeble-Minded Youth:*

Current expenses, eighty-two thousand dollars ($82,000.00).

Repairs and improvements, six thousand five hundred dollars ($6,500.00).

Salary of officers and teachers, eleven thousand five hundred dollars ($11,500.00).

Expenses of trustees, five hundred dollars ($500.00).

Furniture, carpets and bedding, fifteen hundred dollars ($1,500.00).

Steam heating and plumbing, four thousand dollars ($4,000.00).

*Ohio Soldiers' and Sailors' Home:*

Current expenses, sixty-eight thousand dollars ($68,000.00).

Salaries of officers, five thousand three hundred and eighty dollars ($5,380.00).

Ordinary repairs and improvements, including the improvement of grounds, five thousand dollars ($5,000.00). General appropriations.

Clothing, eleven thousand dollars ($11,000.00).

Horses, wagons, carriages and harness, three hundred and fifty dollars ($350.00).

Trustees' expenses, three hundred dollars ($300.00).

Furniture, carpets and bedding, twenty-five hundred dollars ($2,500.00).

For improvement of present cemetery, or purchase of grounds for new cemetery and improving same, twelve hundred dollars ($1,200.00).

Provided, however, that the purchase price for such ground shall not exceed $180 per acre.

For completing buildings, fifteen hundred dollars ($1,500.00).

For new boiler, front and fittings, and setting up the same, two thousand dollars ($2,000.00).

*Ohio Soldiers' and Sailors' Orphans' Home:*

Current expenses, one hundred and four thousand dollars ($104,000.00).

Salaries of officers, matrons and teachers, seventeen thousand six hundred dollars ($17,600.00).

Industrial pursuits, including cooking and sewing, and purchase appliances and machinery, seven thousand dollars ($7,000.00).

Ordinary repairs and improvements, including road to corporation line, walks and elevator, nine thousand dollars ($9,000.00).

Trustees' expenses, five hundred dollars ($500.00).

Net earnings, twelve hundred dollars ($1,200.00).

Library, six hundred dollars ($600.00).

Laundry and fixtures therein, eight hundred and fifty dollars ($850.00).

Support of orphans and children of indigent soldiers outside, six thousand dollars ($6,000.00).

Furniture, carpets and bedding (including the furnishing of hospital cottages and new cottages), four thousand eight hundred dollars ($4,800.00).

Visiting county homes, one hundred dollars ($100.00).

Salaries of foremen and instructors, fifty-nine hundred dollars ($5,900.00).

Grading, graveling and planting trees, eight hundred dollars ($800.00).

Finishing and furnishing new school building and assembly hall, one thousand dollars ($1,000.00).

Enlarging bakery and fixtures, five hundred dollars ($500.00).

Materials and outfit sewing department, five hundred dollars ($500.00).

Enlarging green-house, six hundred dollars ($600.00).

Improvement gas plant and pump house, one thousand dollars ($1,000.00).

General appropriations.

Horses, cows, farm implements and wagons, five hundred dollars ($500.00).

Cottages for hospital, eight thousand dollars ($8,000.00).

*Ohio Working Home for the Blind:*

Repairs and improvements, thirty-five hundred dollars ($3,500.00).

Furniture, bedding and laundry, four hundred dollars ($400.00).

Salary superintendent, one thousand dollars ($1,000.00).

Salary of acting salesman, one thousand dollars ($1,000.00).

Salary foreman, six hundred dollars ($600.00).

Salary teamster, three hundred dollars ($300.00).

Expense of trustees, two hundred dollars ($200.00).

Salary of cook, one hundred and seventy-five dollars ($175.00).

Dining-room help, two hundred dollars ($200.00).

Steam heating apparatus, twenty-five hundred dollars ($2,500.00).

*Miscellaneous:*

Pension J. P. Brush family, one hundred and twenty dollars ($120.00).

For prosecuting the war claims of Ohio against the general government (O. L., 1883, p. 122):

Salary of agent, fifteen hundred dollars ($1,500 00).

Expenses of agent, six hundred dollars ($600.00).

To the legal heirs of Hiram M. McKowan, late of Co. "C," 66th regiment, Ohio volunteer infantry, for unpaid bounty, one hundred dollars ($100.00).

For the purchase of twelve hundred copies of "Howe's Historical Collection[s] of Ohio," in pursuance of senate joint resolution No. 26, six thousand dollars ($6,000.00).

For procuring the United States coast and geodetic survey to accurately ascertain and mark the boundary lines between the states of Ohio, Indiana and Michigan, one thousand dollars, to be expended under direction of the governor ($1,000.00).

To aid in support of deaf mute school in Cincinnati, thirty-five hundred dollars ($3,500.00).

SECTION 2. The moneys appropriated in the last preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1891, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. In addition to the several appropriations made for the institutions for the insane, blind, deaf and dumb, and feeble-minded youth, the girls' industrial home, the boys' industrial school, and soldiers' and sailors' orphans' home, and soldiers' and sailors' home, there is hereby appropriated for the use of said institutions any moneys received from sources other than the state treasury by their respective financial officers, which moneys shall be credited to the

current expense funds of said institutions respectively, unless otherwise provided by law. General appropriations.

SECTION 4. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations made for contingent expenses; no bills for horses, carriages or wagons, carpets or furniture or any expense for officers attending state, inter-state or national associations of benevolent institutions shall be paid out of appropriations made for the current expenses of said institution; and no money herein appropriated shall be drawn, except on a requisition on the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth the service rendered, or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
378G

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[House Bill No. 1408.]

## AN ACT

To encourage the breeding and improvement of trotting and pacing horses; for the prevention and punishment of fraudulent entries and practices in contests of speed, prescribing penalties therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in order to encourage the breeding of and improvement in trotting and pacing horses in the state of Ohio, it is hereby made unlawful for any person or persons knowingly to enter, or cause to be entered, for competition, or to compete for any purse, prize, premium, stake or sweepstakes offered or given by any agricultural or other society, association or person or persons in the state of Ohio, any horse, mare, gelding, colt or filly under an assumed name, or out of its proper class, where such prize, purse, premium, stake or sweepstake is to be decided by a contest of speed. Entering horse, etc., in race under assumed name or out of proper class.

SECTION 2. *Be it further enacted*, That any person or persons found guilty of a violation of section 1 of this act shall, upon conviction thereof, be imprisoned in the state prison for a period of not less than one year or more than three years, and shall be fined in any sum not exceeding one thousand dollars. Penalty.

SECTION 3. That the class to which a horse belongs, for the purpose of entry in any such contest of speed, shall be determined by the public performance of said horse in said former contest or trial of speed, as provided by the printed rules of the society or association under which the proposed contest is advertised to be conducted. And any person or "Class" defined.

Penalty.

persons knowingly misrepresenting or fraudulently concealing the public performance in any former contest or trial of speed of any horse, which he or they propose to enter for competition in any such contest, shall, upon conviction thereof, be liable to the same punishment as is provided in section 2 of this act, whether he or they shall succeed in making said entry or not.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
379G

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[House Bill No. 1523.]

AN ACT

To amend section 4904, as amended April 11, 1890, of the Revised Statutes, relating to the repairs of improved roads, to protect the same from heavy burdens.

Repair of improved roads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4904 of the Revised Statutes of Ohio, amended April 11, 1890, be so amended as to read as follows:

Burdens on free turnpikes, graveled and other roads.

Sec. 4904. It shall be unlawful for any person or persons, firm or corporation, either by themselves or agent, in any county having free or toll macadamized or graveled roads, to transport over such roads, in any vehicle having a tire of less than four inches in width, a burden of more than two thousand pounds; provided, however, that when the said roads are sufficiently dry or frozen to bear up burdens of greater weight than is herein specified, then, and in that case, the restrictions to a burden of two thousand pounds shall not be in force.

County commissioners may regulate burdens.

The county commissioners of every county shall constitute a board of directors for their respective counties, with power to prescribe, within the requirements of this act, the quantity of any commodity that may be transported in bulk, and also the increased weight in quantity greater than two thousand pounds that may be carried in vehicles having a width of tire four inches or upwards, and cause such regulations to be recorded.

Prosecution for violation of section.

The board of trustees or any one of them, or any pike superintendent or commissioner within their respective jurisdiction, or any owner, or president of any turnpike company owning or operating a turnpike road within any county, upon information of any resident freeholder of such county for a violation of the requirements of this section, or of the regulations prescribed by the board, shall prosecute the person or persons violating the same, before a justice of the peace of the county, or mayor of any incorporated village or city, in any action for damages in the name of the state of Ohio, for the use of the free or toll macadamized or gravel road fund of the township where the roads are kept in repair by townships,

nd to the county road fund where the roads are kept in repair by the county, and to the turnpike company road, where ıe roads are owned and kept in repair by turnpike companies, where the offense was committed, and on conviction, ıall be fined not less than five dollars, nor more than fifty ollars, and on complaint of any freeholder, and ıf, in the pinion of the board, owner or president of any such turnpike ɔmpany, the complaint is well founded, the said board, owner, r president of any such turnpike company may also enjoin ny person or persons who are engaged in the business of ransporting heavy loads over such roads, in violation of the equirements of this section or the regulations prescribed under it, and the court in any such action may render judgnent against the defendant or defendants for any damage one. Penalty.

SECTION 2. That section 4904, as amended April 11, 890, is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from nd after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
380G

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[House Bill No. 1817.]

AN ACT

To authorize the board of legislation of cities of the first grade of the first class to appoint three directors of houses of refuge of such cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the mayor of such city shall appoint the three members of the board of directors of the house of refuge of any such city heretofore appointed by the city council of such cities under section 2085 of the Revised Statutes of Ohio. Directors house of refuge in cities first grade, first class (Cincinnati).

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
381G

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[House Bill No. 1846.]

AN ACT

To authorize certain townships herein designated to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in the said townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township, which at the last Certain townships (Salem, Warren

county) authorized to issue bonds for encouragement of manufacturing.

federal census had a population not less than seventeen hundred, nor greater than seventeen hundred and thirty, or which at any future federal census may have such population, be and the same is hereby authorized and empowered to issue the bonds of such township in any sum not exceeding five thousand dollars, in denominations not exceeding five hundred dollars each, bearing interest not exceeding six per cent. per annum, payable semi-annually, and payable at any time not exceeding ten years from the date of their issue, as the trustees of said township may determine. Said bonds shall be sold at not less than their par value, and in all respects not herein provided for, in accordance with the provisions of section 2835 of the Revised Statutes of Ohio.

How proceeds of sale expended.

SECTION 2. The proceeds arising from the sale of said bonds, or any portion of them, shall be expended for the purpose of aiding and encouraging manufacturing establishments to locate in any such township.

Question to be submitted to vote.

SECTION 3. Before such bonds, or any of them, shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such township at a regular or special election, to be held at the usual places of voting in said township, and at such times as the trustees may determine. The tickets to be voted at such election shall have printed or written thereon, "Authority to issue bonds—Yes;" "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds or more of those voting thereon at such election, then said trustees, with the consent and approval of a board of control, hereinafter provided for, may issue and sell said bonds for the purposes named, and, as provided in this act, notice of such election shall be published in at least two newspapers published or circulating in said township, for not less than ten days prior to such election, which shall, in all respects not herein provided for, be managed and conducted as other township elections are, or may be required by law, to be managed and conducted in any such township.

Board of control.

SECTION 4. When the trustees of any such township referred to in section 1 of this act shall desire to issue said bonds, a written statement of said desire from said trustees shall be presented to the probate judge of the county in which such township is situated, who shall appoint a "board of control" for said township, which shall consist of four electors of said township, being freeholders therein, not more than two of whom shall belong to the same political party. Said "board of control" shall serve without compensation, and for such time as may be necessary to dispose of the proceeds of the sale of said bonds. All vacancies in said board shall be filled by appointment by the said probate judge. The said trustees shall not call said election, nor issue and sell bonds, or any portion of them, until said board of control shall consent to the same, and no expenditure of the money arising from the sale of said bonds, or any portion of them, shall be made, or any contract be entered into for the purposes mentioned in this act by said township trustees except with the consent and approval of said board of control.

SECTION 5. To pay the principal and interest of any of said bonds as the same shall become due, said trustees are hereby authorized and empowered to levy a sufficient tax on all taxable property of said township, in addition to all other taxes authorized by law. Said taxes shall be levied and collected as other taxes in said township. Levy of tax.

SECTION 6. That if the bonds herein provided for shall not be issued or disposed of within five years from the first day of May, 1891, then this act shall be null and void; and if, at the expiration of that time, there remains a portion of said bonds which have not been issued or disposed of, then that portion of said bonds shall be void and of no effect. Bonds void if not sold within five years.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
382G

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[House Bill No. 1847.]

AN ACT

To authorize certain incorporated villages herein designated to issue bonds for the purpose of aiding and encouraging manufacturing establishments to locate in or near said incorporated villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village situated wholly in any township, which at the last federal census had a population of not less than seventeen hundred nor greater than seventeen hundred and thirty, or which at any future federal census may have such population, be and the same is hereby authorized and empowered to issue the bonds of such incorporated village in any sum not exceeding fifteen thousand dollars, in denominations not exceeding five hundred dollars each, bearing interest not exceeding six per cent. per annum, payable semi-annually, and payable at a time not exceeding ten years from the date of their issue, as the council of the said incorporated village may determine. Said bonds shall be sold at not less than their par value, and in all respects, not herein provided for, in accordance with the provisions of section 2709 of the Revised Statutes of Ohio. Certain village (Morrow) authorized to issue bonds for encouragement of manufacturing.

SECTION 2. The proceeds arising from the sale of said bonds, or any portion of them, shall be expended for the purpose of aiding and encouraging manufacturing establishments to locate in or near any such incorporated villages. How proceeds of sale expended.

SECTION 3. Before such bonds, or any of them, shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such incorporated village at a regular or special election, to be held at the usual places of voting in said incorporated village, and at such times as the council may determine. The tickets to be Question to be submitted to vote.

voted at such election shall have printed or written thereon, "Authority to issue bonds—Yes;" "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds or more of those voting thereon at such election, then said council, with the consent and approval of a board of control, hereinafter provided for, may issue and sell said bonds for the purpose named, and, as provided in this act, notice of such election shall be published in at least two newspapers published or circulating in said incorporated village for not less than ten days prior to such election, which shall, in all respects not herein provided for, be managed and conducted as other municipal elections are, or may be required by law to be managed and conducted in any such incorporated village.

Board of control.

SECTION 4. When the council of any such incorporated village referred to in section 1 of this act shall desire to issue said bonds, a written statement of said desire from said council shall be presented to the probate judge of the county in which such incorporated village is situated, who shall appoint a board of control for said incorporated village, which shall consist of six electors of said incorporated village being freeholders therein, not more than three of whom shall belong to the same political party. Said board of control shall serve without compensation, and for such time as may be necessary to dispose of the proceeds of the sale of said bonds. All vacancies in said board shall be filled by appointment by said probate judge. The said village council shall not call said election, nor issue and sell said bonds, or any portion of them, until said board of control shall consent to the same, and no expenditure of the money arising from the sale of said bonds, or any portion of them, shall be made or any contract be entered into for the purpose mentioned in this act by said village council, except with the consent and approval of said board of control.

Levy of tax.

SECTION 5. To pay the principal and interest of any of said bonds as the same shall become due said village council is hereby authorized and empowered to levy a sufficient tax on all the taxable property of said incorporated village, in addition to all other taxes authorized by law. Said taxes shall be levied and collected as other taxes in said incorporated village.

Bonds void if not sold within five years.

SECTION 6. That if the bonds herein provided for shall not be issued or disposed of within five years from the first day of May, 1891, then this act shall be null and void; and if, at the expiration of that time, there remains a portion of said bonds which have not been issued or disposed of, then that portion of said bonds shall be void and of no effect.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
383G

[House Bill No. 1793.]

AN ACT

To appropriate money to pay a claim.

WHEREAS, William C. Traers served as 1st lieutenant, 111th regiment Ohio volunteers from August 9, 1862, to October 1, 1862; and Preamble.

WHEREAS, There is due him for said services $88.33, and for rations during said service $63.60, making a total due said William C. Traers of $151.93, no part of which has ever been paid; and

WHEREAS, This is of a class of claims which if paid by the state will be re-imbursed on the part of the United States, under act of July 27, 1861; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated from any money in the treasury not otherwise appropriated, the sum of $151.93, to pay said claim and that the auditor of state is hereby required to draw his warrant in favor of said William C. Traers for said sum. Appropriation for William C. Traers.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
384G

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[House Bill No. 986.]

AN ACT

To amend section 1 of an act to secure the prompt payment of wages of certain employes twice in each month, as amended March 20, 1890 (volume 87, page 78).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of the above recited act be so amended as to read as follows: Semi-monthly payment of wages:

Sec. 1. That every person, firm, or corporation engaged in manufacturing, mining, mercantile, street railway, telegraph, telephone, express, water or construction business, or contractors building railroads, shall pay, in lawful money, or by check, draft or order, payable in lawful money, at sight or on demand, on a bank located at a distance not greater than eight miles from the place where said labor was performed, twice in each month, each and every employe engaged in its business, the wages earned by such employe to within ten days of the date of said payment; provided, however, that if at any time of payment, any employe shall be absent from his regular place of labor, he shall be entitled to said payment at any time thereafter during their regular business Wages of certain employes to be paid twice per month.

hours upon demand; and provided further, that said employer may retain at each payment, any amount said employe may order withheld from his or her wages for rent, powder, tools, tool sharpening or oil, due said employer.

Repeals.

SECTION 2. That section 1 of the act to secure the prompt payment of wages to certain employes twice in each month, as amended March 20, 1890 (vol. 87, page 78), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
385G

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[House Bill No. 504.]

AN ACT

To amend section 6967 of the Revised Statutes of Ohio.

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6967 of the Revised Statutes of Ohio be amended to read as follows:

Use of ferrets in catching rabbits.

Sec. 6967. Whoever, upon the premises or lands of another, uses or employs, or attempts to use or employ, ferrets for the purpose of catching rabbits, or driving them from their burrows or hiding-places without first obtaining verbal or written permission from the owner of such lands or premises,

Penalty.

or from his agent, or person in charge thereof, shall be fined for the first offense not more than twenty nor less than five dollars, and for any subsequent offense, not more than one hundred nor less than fifty dollars.

Repeals.

SECTION 2. That said original section 6967 be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
386G

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[House Bill No. 1538.]

AN ACT

To amend section 6415 of the Revised Statutes, and enact supplementary section 6415*a*.

Appropriation of property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6415 be amended so as to read as follows:

Sec. 6415. Appropriations can only be made when the corporation is unable to agree with the owner, or his guardian or trustee, as to the compensation to be paid for the property, or easement or interest therein, sought to be appropriated, or when the owner is incapable of contracting in person or by agent, and has no guardian or trustee, or is unknown, or his residence is beyond the state, or unknown. When appropriations can be made.

SECTION 2. And that supplementary section 6415*a* be enacted so as to read as follows:

Sec. 6415*a*. Whenever under this chapter the property of any minor, idiot, imbecile, or insane person, or any easement or interest therein, is sought to be appropriated by a corporation and there is a legally appointed guardian of the person and estate or of the estates or a trustee of such minor, idiot, imbecile or insane person, and the said guardian has agreed with said corporation upon the amount of compensation to be paid for such property, easement, or interest therein, he may file with the probate court of the county wherein said property is situated, a written application for authority to convey to said corporation the said property or interest; which said application shall fully describe the property, right, easement or interest therein, sought to be conveyed, and shall fully set out the price agreed to be paid for the same, the probate judge shall order said guardian to give such notice as said judge shall deem reasonable, to the said ward, of the filing of said application and of the time set for the hearing of the same. At the time set for the hearing of said application, if the judge shall find that notice was given as ordered of the time set for the hearing of the same, and that the price to be paid is reasonable and just, and that the said conveyance would be to the best interest of said ward, he shall order the said guardian to make and execute a deed to said corporation for said property or interest upon the payment of the said price agreed upon by said guardian and said corporation. Appropriation of property of minor, idiot, imbecile or insane person.

SECTION 3. That said original section 6415 of the Revised Statutes is hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
387G

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[ House Bill No. 1629.]

AN ACT

To create supplementary section 3137*a* of the Revised Statutes, and to amend section 3140 thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted, supplementary Infants:

to section 3137 of the Revised Statutes of Ohio, with sectional numbering as follows:

Adoption of child by step-father.

Sec. 3137*a*. Any inhabitant of this state being the husband of any woman who has a minor child or children by a former husband, may petition the probate court of his proper county for leave to adopt such minor child or children, and for a change of the name or names of such child or children; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by the mother of such child, if she is not hopelessly insane or intemperate, or if such mother is hopelessly insane or intemperate, then by the legal guardian of such child.

When consent of child necessary.

SECTION 2. That section 3140 of the Revised Statutes be amended so as to read as follows:

Effect of order of court as to adoption of child.

Sec. 3140. The natural parents, except when such child is adopted under the provisions of section 3137*a*, shall, by such order be divested of all legal rights and obligations in respect to the child, and the child be free from all legal obligations of obedience and maintenance in respect to them. Such child shall be to all intents and purposes the child and legal heir of the person so adopting him or her, entitled to all the rights and privileges and subject to all the obligations of a child of such person begotten in lawful wedlock; but on the decease of such person and the subsequent decease of such adopted child without issue, the property of such adopting parent shall descend to his or her next of kin, and not to the next of kin of such adopted child.

Repeals, etc.

SECTION 3. Said original section 3140 is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
388G

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[House Bill No. 1713.]

## AN ACT

To amend section 7 of an act passed April 14, 1884, entitled "An act to amend sections 5 and 7 of an act entitled 'an act relating to the imprisonment of convicts in the Ohio penitentiary, and the employment, government, and release of such convicts by the board of managers,'" passed March 24, 1884.

Ohio penitentiary:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of an act passed April 14, 1884, entitled "An act to amend sections 5 and 7 of the act entitled 'an act relating to the imprisonment of convicts in the Ohio penitentiary, and the employment, government and release of such convicts by the board of managers,'" passed March 24, 1884, be so amended to read as follows:

Rules and regulations to

Sec. 7. The board of managers shall, subject to the approval of the governor, make such rules and regulations for

the government of prisoners as shall best promote their reformation, and generally, as may from time to time appear to be necessary or promotive of the purposes of this act. They shall make provision for the separation or classification of prisoners, their division into different grades, with promotion and degradation according to merit, their employment and instruction in industry, their education, and for the conditional or absolute release of prisoners sentenced to imprisonment under section 5 of this act, and their arrest and return to custody within the institution; but in no case shall any such prisoner be released, either conditionally or absolutely, unless there is, in the judgment of the managers, reasonable ground to believe that he will, if released, live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society; and no petition or other form of application for the release of any prisoner shall be entertained by the managers. In order that good behavior may be properly rewarded the board shall provide in its rules and regulations for a correct daily record of the conduct of each prisoner, and his fidelity and diligence in the performance of his work. A convict who shall pass the entire period of his imprisonment without a violation of the rules and discipline, except such as the board shall excuse, shall, upon his absolute release or discharge, be restored to the rights and privileges forfeited by his conviction, and he shall receive from the governor a certificate, under the great seal of the state, as evidence of such restoration, to be issued upon presentation to the governor of a certificate of such conduct, which shall be furnished to such convict by the warden. A convict who is not thus entitled to a restoration of the rights and privileges forfeited by his conviction, who has conducted himself in an exemplary manner for a continuous period of not less than twelve consecutive months succeeding his absolute release or discharge, and presents to the governor a certificate of that fact, signed by ten or more good and well known citizens of the place where he has resided during such period, certified to be such by the probate judge of the county wherein they reside, and whose signatures are certified by such judge to be genuine, shall be entitled, in consideration thereof, to a restoration of the rights and privileges forfeited by his conviction, which restoration shall be evidenced by a certificate of the governor under the great seal of the state. In order that good behavior, fidelity and diligence in the performance of duty may be properly rewarded, each convict now confined in any penal institution within the state, or who may hereafter be sentenced for a definite term other than for life, and who shall pass the entire period of his imprisonment without violation of the rules and discipline, except such as the board of managers shall excuse, will be entitled to diminish the period of sentence under the following rules and regulations:

be prescribed by managers.

Restoration of convict to citizenship for good behavior.

Diminution of period of sentence for good behavior.

1*a*. A prisoner sentenced for a term of one year who has conducted himself as above provided, shall be allowed a deduction of five days from each of the twelve months of his sentence.

(*b.*) A prisoner sentenced for a term of two years who has conducted himself as above provided, shall be allowed a deduction of six days from each of the twenty-four months of his sentence.

(*c.*) A prisoner sentenced for a term of three years who has conducted himself as above provided, shall be allowed a deduction of eight days from each of the thirty-six months of his sentence.

(*d.*) A prisoner sentenced for a term of four years who has conducted himself as above provided, shall be allowed a deduction of nine days for each of the forty-eight months of his sentence.

(*e.*) A prisoner sentenced for a term of five years who has conducted himself as above provided, shall be allowed a deduction of ten days from each of the sixty months of his sentence.

(*f.*) A prisoner sentenced for a term of six years, or for any term of years longer than six, who has conducted himself as above provided, shall be allowed a deduction of eleven days from each of the months of his full sentence.

(*g.*) Any prisoner sentenced for a number of months or fraction of years shall be allowed the same time per month as is provided for the year next higher than maximum sentence.

(*h.*) The board of managers shall have the power to deduct from a prisoner any part of the good time gained, for a violation of the rules of discipline, or any want of fidelity and care in the performance of work, according to the aggravated nature or the frequency of the offense. But the board may review the conduct record of a prisoner, and if it appears that any violation of the rules and discipline was committed through ignorance or circumstances beyond his control, or abuse by any officer, the managers may restore the prisoner any time lost by such acts of violations.

How good time forfeited, etc.

2. For a violation of the rules and discipline, or for a want of fidelity and care in the performance of work, he shall not only forfeit all time gained for the month in which the delinquency occurs, but according to the aggravated nature or the frequency of his offenses, the board may deduct a portion or all of his time previously gained, but the board may review the conduct record of a convict, and, if it appears that any violation of the rules and discipline was committed through ignorance or circumstances beyond his control, or abuse by an officer, may restore him to the standing he possessed before such violation.

In case of sickness.

3. If a convict be prevented from laboring, by sickness or other infirmities not intentionally produced by himself, or by other cause for which he is not responsible, he shall be entitled, by good conduct, to the same deduction from his sentence, each month, as above provided for; and the board may, in its discretion, allow him a sum of money sufficient to defray all his necessary expenses to the county where he was convicted.

Return of convict to his county.

Repeals.

SECTION 2. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
389G

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[House Bill No. 1733.]

AN ACT

To supplement section 421 of the Revised Statutes, relating to the duties of the clerk of the supreme court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 421 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Supreme court:

Sec. 421*a*. The clerk shall hereafter keep an index, direct and reverse, of all causes, by names of parties alphabetically arranged, showing in separate columns the name of the plaintiff and name of the defendant, as the same appear on the journal in the final order, unless otherwise ordered by the court; the volume and page of the minute-book on which it is entered, the term at which the final judgment or order was rendered, the journal or order-book and page on which it is entered, and the volume and page of the final record.

Clerk shall keep index of causes.

Sec. 421*b*. An index such as is required by said section 421*a*, may be made by the clerk, of causes heretofore disposed of by the supreme court, if said court is of the opinion that the same is needed, and it orders the same to be made, specifying the period of time such index is designed to cover. The clerk shall receive for making such index ten cents for each cause, said fees to be retained by said clerk out of the docket fees collected by him under section four hundred and twenty-one, upon accounts to be approved by the chief justice of the supreme court as such work progresses.

Index of causes heretofore disposed of may be made.

Fees.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
390G

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[House Bill No. 1833.]

AN ACT

To allow treasurers of certain cities compensation for acting as treasurer of gas-works and of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city which by the last federal census

Compensation to be allowed treasurers of

certain cities (Hamilton) for services as treasurers of water-works and gas-works.

had a population of not less than seventeen thousand and four hundred and not to exceed seventeen thousand and eight hundred, or which at any subsequent federal census may have such a population, and which owns and operates its own water-works and its gas-works, the treasurer of any such city shall also by virtue of his office be treasurer of the water-works and the gas-works, and he shall be allowed a compensation as treasurer of said works the sum of five hundred dollars per annum, one-half of which shall be paid out of the "gas-works fund," upon the order of the board of trustees of said gas-works, and one-half shall be paid out of the "water-works fund," upon the order of the board of trustees of said works.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
391G

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[Senate Bill No. 594.]

AN ACT

To amend section 2249 of the Revised Statutes of Ohio.

Appropriation of property:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2249 of the Revised Statutes of the state of Ohio be so amended as to read as follows:

Costs: how paid.

Sec. 2249. The costs occasioned by the inquiry and assessment shall be paid by the corporation, and the other costs which may arise shall be charged or taxed as the court in its discretion may direct. Provided, that at or after the time of making the application for a jury, the person representing the corporation may file in court a written offer to confess judgment, for an amount to be stated and the costs then made, in favor of any owner who in any manner enters an appearance, or upon whom or whose agent personal service of the notice may have been made; whereupon, if such owner shall refuse to accept such offer, in full of his demands, and on the trial shall not recover more than was so offered to be confessed, such owner shall pay all the costs incurred after the offer was made. The foregoing provisions shall apply to all cases for the assessment of damages under subdivision 11 of chapter 4 of this division; and an offer so made as aforesaid shall be governed by the provisions of section 5142 of the Revised Statutes of Ohio.

Repeals, etc.

SECTION 2. That said original section 2249 of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
392G

[Senate Bill No. 635.]

AN ACT

To amend section 4672 of chapter 3 of title VII of the Revised Statutes relating to public ways.

Township roads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section (4672) four thousand six hundred and seventy-two of the above entitled chapter be so amended as to read as follows:

Petition for township road, and notice.

Sec. 4672. If any person, for the convenience of himself and neighbors, wishes to have a township road laid out from the plantation or dwelling-place of any person, or from any mill or house of public worship, or to any cemetery or burial-ground, or to a public road, or from one public road to intersect another, or from any tract of wild land or timber land, or from any stone quarries, coal mines or mineral lands other than petroleum or natural gas lands to a railroad or railroad station, or from any railroad station, to a township, county, or state road, or saw-mill, he may petition the trustees of the proper township, after giving thirty days' previous notice thereof, by advertisement posted up in three public places within the township, setting forth therein the time when the petition is to be presented, the place of beginning, intermediate points, if any, and the place of termination of the road.

Repeals.

SECTION 2. That said section (4672) four thousand six hundred and seventy-two of said chapter and title be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
393G

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[Senate Bill No. 668.]

AN ACT

To provide a permanent camping-ground for the Ohio national guard.

Permanent camping-ground for Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a permanent camping-ground of not less than seventy acres, be procured for the annual encampment of the national guard of the state. Said camping-ground shall be located within a radius of fifty miles of the geographical center of the state.

Commission for selection of location.

SECTION 2. That a commission of three persons be hereby appointed, consisting of the adjutant-general, surgeon-general and senior colonel of the Ohio national guard. Said commission shall select and secure a location, as provided in section one, and is hereby authorized to accept any donation

of land that may be useful for said encampment purposes, and have it deeded to the state of Ohio in fee simple.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
394G

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[Senate Bill No. 705.]

AN ACT

To facilitate the work of the decennial state board of equalization.

Decennial state board of equalization: powers of, increased.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That to enable the decennial state board of equalization, now in session, to expedite and complete its work, said board is hereby authorized and empowered, if the abstract of real property of any county or city has not been returned, as provided in section 2817 of the Revised Statutes, to require said abstract or abstracts to be returned within a reasonable time after the passage of this act, to be fixed by the board, and if at the expiration of the time so specified, said abstracts have not been received, the said decennial state board of equalization shall proceed to equalize the valuation of real property in such counties or cities, taking as a basis the returns made by the district assessors, according to the rules prescribed in section 2818 of the Revised Statutes, and the auditors of the said counties are hereby required to furnish the auditor of state without delay, the abstract of returns of the said assessors, for the use of the board.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
395G

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[Senate Bill No. 713.]

AN ACT

To supplement section 2270 of the Revised Statutes.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2270 of the Revised Statutes be supplemented with sectional numbering as follows:

Limit of special assessments on vacant lots in

Sec. 2270*b*. That in any municipal corporation in this state, having by the federal census of 1890, or that may by any subsequent federal census have a population of not less

than 2,857 nor more than 2,870, notwithstanding the provisions of said section 2270, the assessment or tax specially levied, mentioned in said section 2270, and for the purpose therein named, may be an amount not to exceed fifty per centum of the value as assessed for taxation of and upon any lots or lands in any such cities, on which there are no buildings; and on either side of which along the line of the improvement, either mediately or immediately, the lots and lands or a part thereof have been improved. certain municipalities (North Baltimore).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
396G

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[Senate Bill No. 721.]

AN ACT

To authorize cities of the first grade of the second class to construct bridges or viaducts and the approaches thereto over railroads and to borrow money and issue bonds to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That cities of the first grade of the second class be and they are hereby authorized and empowered to construct and maintain bridges or viaducts and approaches thereto to carry streets and other thoroughfares over and across railroads within their corporate limits. Cities first grade, second class (Columbus), may build bridges or viaducts over railroads, etc.

SECTION 2. That for the purpose of raising funds to pay for the construction of such bridges or viaducts, and the approaches thereto, the city councils of such cities be and they are hereby authorized and empowered to issue the bonds of such cities, in an amount not exceeding thirty thousand dollars. Said bonds shall be issued whenever said city councils may determine that they are necessary for such purposes, and in denominations of one thousand dollars each, and shall be payable in fifteen years from their date. Said bonds shall be designated as the bridge or viaduct bonds of the street which crosses such railroad or railroads, and shall bear such rate of interest, not to exceed five per centum per annum, payable semi-annually, as the city councils of the cities issuing them may determine; and said bonds shall, in all respects, be made and disposed of as provided by law. Issue of bonds.

SECTION 3. That city councils of cities which avail themselves of the provisions of this act shall levy, annually, upon all the taxable property in such cities, a tax sufficient in rate and amount to pay the accruing interest on said bonds, and to provide a sinking fund to pay said bonds at maturity, and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all other purposes. Levy of tax.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
397G

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[House Bill No 995.]

AN ACT

To provide for the erection of monuments and tablets to mark the positions of Ohio troops on the battle-field of Chickamauga.

Preamble.

WHEREAS, The congress of the United States has provided, by an act approved August 19, 1890, for the purchase and improving of 7,600 acres of land in Tennessee and Georgia, to be known as the "Chickamauga and Chattanooga national military park," providing for the improving and beautifying of it, for the purpose of preserving and suitably marking, for historical and professional military study, of the fields of some of the most remarkable maneuvers and most brilliant fighting in the war of the rebellion in which Ohio troops won distinguished honors, and one of her brigades saved the day; and

WHEREAS, The same act provides that it shall be lawful for the authorities of any state having troops engaged, either at Chattanooga or Chickamauga, to enter upon said lands and approaches of said park for the purpose of ascertaining and marking the lines of battle of troops engaged therein, by monuments, tablets, or otherwise; and

WHEREAS, It is but a just recognition of Ohio's brave soldiers that suitable tablets should mark their position, and monuments be erected to commemorate their deeds on the battle-field; therefore,

Commission to locate and erect memorials on battle-field of Chickamauga.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state of Ohio shall be and is hereby authorized to appoint a commission consisting of eight citizens of the state of Ohio, not more than four of whom shall belong to any one political party, and who served with honor in the battle of Chickamauga, to locate and erect suitable memorials and monuments commemorative of the deeds of the soldiers of Ohio who fought on that battle-field.

Commission to advise with military organizations of Ohio, etc.

SECTION 2. In the execution of the trust confided to the commission, it is authorized and enjoined to avail itself of the information and advice and judgment of the members of the different military organizations of Ohio that took part in the battle of Chickamauga, and, if it deems it practicable, to cause to be erected at least one memorial structure for each of said organizations at such points as it shall find to be most befitting the ends hereby sought to be accomplished.

Expenses.

SECTION 3. The commission is hereby authorized to audit, and, out of the funds hereinafter appropriated, to pay

the reasonable expenses of such members of the several Ohio military organizations as shall visit the battle-field of Chickamauga upon the invitation of said commission, not to exceed twenty-five hundred dollars ($2,500), to enable it to execute the trust confided to it by this act. Said commission shall keep an accurate account of all disbursements, and make a full report thereof and of the execution of its trust to a [the] governor on or before the 15th of November each year during the continuance of said trust.

Appropriation.

SECTION 4. That the sum of five thousand dollars ($5,000) be and the same is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to be drawn and used by said commission, as heretofore provided, for the purpose of initiatory steps, making surveys and plans, and meeting expenses authorized in this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
398G

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[House Bill No. 1059.]

AN ACT

To amend section 7321 of the Revised Statutes of Ohio.

Verdict, and judgment, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7321 of the Revised Statutes of Ohio be amended so as to read as follows:

Execution of sentence: when and how long, may be suspended.

Sec. 7321. When a person has been convicted of an offense, and gives notice to the court of his intention to file, or apply for leave to file, a petition in error, the court may on his application, suspend execution of the sentence or judgment against him until the next term of the court, or for such period, not beyond the session, as will give him a reasonable time to apply for such leave; and in any case wherein judgment by the court of common pleas on such conviction has been affirmed by the circuit court on error and remanded back to the common pleas court for execution of its judgment and sentence, and the party so convicted desires or gives notice of his intention to apply for leave to file a petition in error in the supreme court, said common pleas court or the trial judge at chambers shall, on motion of said party, if said motion be made within three days after the rendition by the circuit court of such judgment of affirmance, further suspend the execution of sentence for a time sufficient to give said party an opportunity to apply for such leave to file such petition in error in the supreme court, and to file the same, but in no such case shall sentence be suspended more than thirty days.

Repeals, etc.

SECTION 2. Said original section 7321 is hereby repealed; and this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
399G

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[House Bill No. 321.]

AN ACT

To prevent unlawful gunning and hunting on lands and premises of another without permission, and to amend section 6966 of the Revised Statutes.

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6966 of the Revised Statutes of Ohio, be amended so as to read as follows:

Shooting or hunting on lands, etc., of another without permission.

Sec. 6966. Whoever, without having first received verbal or written permission from the owner, his agent, or the person having control of any lands, pond, lake, or other private waters, except those waters claimed by riparian right of ownership of adjacent lands, hunts upon the same or thereon hunts, shoots, or shoots at, kills or pursues with intent to kill, or capture the Virginia partridge, quail, pheasant, prairie chicken, ruffled [ruffed] grouse, blue-winged teal, mallard duck, wood duck, squirrel, rabbit, wild turkeys, robins, turtle doves, or any other bird or wild animal, fowl, or game of any kind, or destroys the eggs or nests of any such bird or fowl, shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, fined not less than five nor more than fifteen dollars, and stand committed until such fine and costs of suit are paid; and any person convicted for a second offense under this section committed within a year from the time of first offense, shall be fined not less than fifteen nor more than thirty dollars, and stand committed until such fine and costs of suit are paid.

Who shall have final jurisdiction in prosecutions; trial by jury.

SECTION 2. That justices of the peace, mayors and police judges shall have final jurisdiction in all cases arising under the provisions of said section sixty-nine hundred and sixty-six, provided, that the defendent shall be entitled, on demand, to a trial by jury. If such prosecutions be before a justice of the peace, and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county, containing the names of sixteen electors of the county, to serve as jurors to try such case, and make due return thereof. Each party shall be entitled to two peremptory challenges, and shall be subject to the same challenges as jurors are subject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice may direct the constable to summon any of the bystanders to act as jurors;

but costs shall not be required to be advanced or paid by a person or an officer authorized or required by statute to prosecute such cases; and if the defendant be aquitted, or if he be convicted, and committed to jail in default of payment of fine and costs, the justice, mayor, or police judge before whom the case was brought shall certify such costs to the county auditor, who shall examine, and, if necessary, correct the amount [account], and issue his warrant to the county treasurer in favor of the respective officers to whom costs are due for the amount due to each.

SECTION 3. That said section 6966 be and the same is hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate*

Passed May 4, 1891.
400G

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[House Bill No. 885.]

AN ACT

To prohibit the sale of intoxicating liquors in brothels.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sale, exchange or giving away of intoxicating liquors in brothels be and the same is hereby prohibited. Intoxicating liquors shall not be sold in brothels.

SECTION 2. Any violation of this act shall be deemed a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, and imprisonment for not less than one month nor more than six months. Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
401G

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[House Bill No. 1248.]

AN ACT

For the relief of J. W. Keene.

WHEREAS, In November, 1872, while in the discharge of his duties as carpenter at the institution for the education of the deaf and dumb, by the falling of the elevator, J. W. Keene sustained injuries which have, since December, 1889, Preamble.

incapacitated him from pursuing his avocation as a carpenter aforesaid; therefore,

Appropriation for J. W. Keene.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio is hereby authorized and required to issue his warrant on the treasurer of state in favor of said J. W. Keene for the sum of $1,321.00, which sum shall be in full liquidation and payment for any loss through injuries received by him in the performance of his duties as an employe at the institution for the education of the deaf and dumb, as aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
402G

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[House Bill No. 1060.]

AN ACT

To create a state school-book board and provide for supplying the schools of Ohio, with good and sufficient school-books at the lowest prices at which such books can be furnished, and to repeal section 4020, as amended April 28, 1890 (O. L. vol. 87, page 377), and sections 4020*a*, 4020*b*, and 4020*d*, passed April 28, 1890 (O. L. vol. 87, pages 378, 379, 380, and 381).

State school-book board: maximum price at which school-books may be sold in state to be fixed by, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state commissioner of common schools shall, within thirty days after the passage of this act, procure as near as he can, one copy of the latest and best edition of each of the school text-books in use, so far as he can learn, in the public schools in this state, and thereupon the governor and secretary of state, constituting a board for the purposes herein named, to be known as the state school-book board, shall secure all such information as may be necessary to fully advise them, and within sixty days after the passage of this act, fix the price not to exceed which each of said text-books may be sold to, and purchased by, boards of education as herein provided, but the price so fixed on any book shall not in the aggregate, as near as can be ascertained, exceed seventy-five per cent. of the present wholesale list prices. The governor shall be president of said board, and the state commissioner of common schools, shall be secretary thereof, and the secretary shall keep a record of all the proceedings of said board, and write in each of said books, so procured by him, the said price so fixed, and preserve said books in his office; and as revisions of such books may be made or new school text-books may be placed on the market from time to time deserving, in the opinion of the board, to be considered, the commissioner shall, in like manner procure copies thereof, and the board shall, in like manner as aforesaid, fix the

maximum price thereof at which the same may be sold and purchased as aforesaid.

Proposals for furnishing books to schools.

SECTION 2. That whenever the maximum price of the books now in use as aforesaid, has been so fixed by said board, the said commissioner shall forthwith notify the publishers of such books of the action of said board and of the price so fixed on each book published by such publisher, and invite each to submit in writing to said board, without delay, a proposal as to what books, which shall in all respects be exact duplicates of those so on file with said commissioner, they will furnish to the state as herein provided, at a price not exceeding that so fixed, for the period of five years, in such quantities and at such times as they may be ordered as herein provided (giving the name and address of such publisher); the board of education making the order to pay all costs of transportation, and at the expiration of ninety days from the passage of this act, said school-book board shall meet and consider all such proposals submitted, and if the board is of the opinion that from the proposals thus received the public schools of the state can be well supplied with good school-books equal to the necessities and best interest thereof, said school-book board shall make and enter an order that said proposals be accepted, and such proposals shall be recorded and preserved, and each publisher submitting a proposal so accepted, shall be bound thereby, and by the provisions of this act, for the period of five years from the date of such acceptance, and any publisher failing or refusing to promptly fill any order or ship any books ordered as herein provided, included in his said accepted proposal, shall forfeit and pay to the state of Ohio, five hundred dollars for each failure, to be recovered in the name of the state, in an action to be brought by the attorney-general, in the court of common pleas of Franklin county, or in any other proper court, or in any other place where service can be made, and the amount, when collected, shall be paid into the state treasury to the credit of the common school fund of the state.

Acceptance of proposals.

Penalty for failure by publisher to fill order.

Notice to boards of education of action of school-book board.

SECTION 3. That in case such proposals be presented to said board to the extent aforesaid, and said board accepts the same as aforesaid, the said commissioner shall forthwith make out a complete list of the books named in such accepted proposals, fully describing each, and giving the price so fixed thereon, the price named in the proposal, and the name and address of the publisher of each book, and the same shall contain such further information as the commissioner may deem necessary or may be ordered by the board, and he shall at once transmit by mail, to each board of education in this state, a copy of such statement, and such board shall preserve the same and enter it on its record in full, and such commissioner shall, in like manner, from time to time, make and forward any additional statements concerning the action of said board authorized hereunder, that may be necessary to fully advise the several boards of education in relation to any such action. Each board of education in this state, on receiving the statements, first above mentioned, from said commissioner, shall on

Adoption of text-books.

the last Monday in August, meet, and at such meeting, or at an adjourned meeting, within two weeks after said Monday, determine by a majority vote of all the members elected, the studies to be pursued, and which of said text-books contained in said list so furnished it, shall be used in the schools under its control; but no text-book so adopted shall be changed, nor any part thereof altered or revised for five years after the time of the acceptance by said school-book board of said propositions, without the consent of three-fourths of all the members elected, given at a regular meeting; and each board of education shall cause it to be ascertained, and at regular meetings in April and August, shall determine which, and the number of each of said books the schools under its charge will require, until the next regular meetings in April and August, and shall cause an order to be drawn for the amount in favor of the clerk of the board of education, payable out of the contingent fund; and said clerk shall at once order said books so agreed upon by the board, of the publisher, and the publisher, on the receipt of such order, shall ship such books to said clerk without delay, and the clerk shall forthwith examine such books, and, if found right and in accordance with said order, remit the amount to said publisher, and the board of education shall pay all charges for the transportation of such books, out of the school contingent fund; but if said boards of education can, at any time, secure of the publisher the books so adopted by the board, at a price less than said maximum price, it shall be its duty so to do, and may without unnecessary delay, make effort to secure such lower price before adopting any particular text-books. Each board of education shall have power to, and shall make all necessary provisions and arrangements to place the books so purchased within easy reach of and accessible to all the scholars in their district, and for that purpose may make such contracts, and take such security as they may deem necessary, for the custody, care and sale of such books and accounting for the proceeds; but not to exceed ten per cent. of the cost price shall be paid therefor, and said books shall be sold to the pupils of school age in the district, at the price paid the publisher, and not to exceed ten per cent. thereof added, and the proceeds of such sale shall be paid into the contingent fund of such district, and whoever receives said books from the board of education for sale as aforesaid to the pupils, and fails to account honestly and fully for the same, or for the proceeds to the board of education when required, shall be guilty of embezzlement and punished accordingly. Provided, however, boards of education may contract with local retail dealers to furnish said books at prices above specified, such dealers becoming responsible to the publishers for all books purchased by them. And when pupils remove from any district, and have text-books of the kind adopted in such district, and not being of the kind adopted in the district to which they remove, and wish to dispose of the same, the board of the district from which they remove, when requested, shall purchase the same at the fair value thereof, and resell the same as other books; and nothing in this act shall prevent the board of education from furnishing

Purchase of books by boards of education.

Books to be placed within reach of pupils.

Compensation for care of, and sale of books to pupils, etc.

Boards may contract with local dealers.

Exchange of books, etc.

free books to indigent pupils, as provided by law. Said school-book board shall continue for five years, and in addition to the foregoing, the secretary shall perform such acts and services as may be ordered by the board. That for the purpose of carrying into effect the foregoing provisions of this act, and paying the expenses incident thereto, there be and is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, a sum not exceeding five hundred dollars, to be disbursed and paid on the allowance and order of said school-book board.

Term of school-book board.

Appropriation.

SECTION 4. That if in the opinion of said school-book board the proposals will not well and sufficiently supply the public schools of this state with good school-books equal to the demands and best interests thereof, and at the reduction and price fixed in section 1 of this act, then it shall be the duty of the board, without delay, to procure texts for a series of Ohio school-books, and for the accomplishment of this, the board may advertise and offer compensation for the text, for each book required by this act, or they may contract with persons qualified to compile such texts to be used in the production of the following books:

When school-book board shall procure texts for books and texts to be prepared.

## OHIO SERIES OF SCHOOL-BOOKS.

Ohio spelling-book.
Ohio first reader.
Ohio second reader.
Ohio third reader.
Ohio fourth reader.
Ohio fifth reader.
Ohio first arithmetic.
Ohio second arithmetic.
Ohio first geography.
Ohio second geography.
Ohio first grammar.
Ohio second grammar.
Ohio first physiology.
Ohio second physiology.
Ohio United States history.

SECTION 5. After such texts have been submitted to the school-book board in print or in type-writing, and before the same are accepted by the board, the texts shall be submitted to a committee of four expert competent judges of such work, to be selected and their compensation fixed by the board, and they shall thoroughly and critically examine each text submitted and make a joint report, in writing, to the board, with their suggestions, corrections and recommendations, for the use of the board; in the selection and preparation of the "Ohio series of school-books," [and] a portion of illustrative designs or pictures in said series of books shall be of Ohio scenery, schools, school-rooms, school-houses, in complete illustration of our public school system.

Texts to be submitted to committee of competent judges, etc.

SECTION 6. The school-book board shall, after the selection of texts for the books provided for in this act, advertise

Bids for publication of texts and

furnishing schools with books.

for thirty days in two daily papers of opposite politics, published in the cities of Cincinnati, Cleveland and Columbus, for the printing, binding, boxing and delivery at each of the county seats in the state of all the books necessary to supply the public schools of the state, for a period of five years; and the board shall provide and keep on file in the office of the school commissioner, specifications, samples of the stock to be used, and the quality of work required in the production of the Ohio series of school-books, and no bid shall be received by the board unless accompanied by a bond for one hundred thousand dollars, to the acceptance of the board, conditioned upon the faithful performance of all the terms and requirements prescribed by the board in the furnishing of the aforesaid supply of books for five years for the public schools of the state; said books to be delivered from time to time as the board may direct, and to be paid for by each of the several counties as provided in section 7, upon approved vouchers signed by all the members of the board.

Distribution of books.

SECTION 7. In the first week of July, each year, the clerks of the district, special and city schools, shall prepare and file with the auditor of their respective counties, who is hereby made custodian of all the books for his said county, a complete list of all the books required in their respective schools for the next succeeding year, based upon their respective school enrollment and attendance; and the auditor shall enter such list upon a book kept in his office for that purpose, and on or before the 20th day of July, each year, forward a copy of such list of books for each school district, together with the school attendance and enrollment of such districts, to the school-book board at Columbus, who shall then order the contractor furnishing the books for the state, to forward and deliver such supply to the county auditors of the several counties of the state, who shall distribute said books to the respective school districts, as shown by the lists on record in his office; and it is hereby provided that the county commissioners of the several counties shall fix the compensation of the county auditor for the services rendered as custodian of school-books; and it shall be the duty of the county auditors to verify shipments of books received by them, and within five days thereafter receipt for the same to the school-book board, and within thirty days thereafter to remit the amount due for said books, according to the contract price, to the publishers.

Rules for distribution, care and control of books.

SECTION 8. The school-book board shall have the power, and they are hereby directed to adopt such rules and regulations for the distribution, care and control of the books of the state, as shall properly supply at cost, as provided in the sections of this act preceding section 4 thereof, all the public schools of the state, and it is hereby provided that all such rules and regulations shall have the force and effect of law in carrying out the provisions and intentions of this act.

Conditional appropriation.

SECTION 9. That there be and is hereby appropriated out of any funds in the state treasury not otherwise appropriated, a sum not to exceed twenty-five thousand dollars, to

enable the school-book board to carry into effect the provisions of sections 4 and 5 of this act, in case the powers therein are exercised; provided, that no part of said sum shall be drawn from the treasury or expended except in compliance with said sections, and upon an itemized account rendered and approved by the school-book board, who shall draw their warrant upon the auditor of state therefor.

Repeals.

SECTION 10. That section 4020 of the Revised Statutes, as amended April 28, 1890 (O. L. vol. 87, page 377), and sections 4020*a*, 4020*b*, 4020*c*, and 4020*d*, passed April 28, 1890 (O. L. vol. 87, pages 378, 379, 380 and 381), be and the same are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
403G

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[House Bill No. 1120.]

AN ACT

To amend section 6033 of the Revised Statutes.

Executors and administrators:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6033 be amended to read as follows:

Oath of appraisers.

Sec. 6033. Before proceeding to the execution of their duty, the appraisers shall take and subscribe an oath, to be inserted in or annexed to the inventory, before an officer authorized to administer oaths, that they will truly, honestly and impartially appraise the estate and property which shall be exhibited to them, and perform the other duties required by law in the premises, according to the best of their knowledge and ability; and in the absence of such officer authorized to administer the oath, the administrator or executor is hereby authorized to administer the same.

Repeals, etc.

SECTION 2. That said section 6033 of the Revised Statutes be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
404G

[House Bill No. 1183.]

AN ACT

To amend sections 546, 547, 1117, 1157, 1260, and to supplement sections 546, 1069, 1070, 1157, 1230 and 1260, of the Revised Statutes of Ohio, and to repeal certain sections of the Revised Statutes therein named.

Compensation of county officers:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 546, 547, 1117, 1157 and 1260 of the Revised Statutes of Ohio be amended, and sections 546, 1069, 1070, 1157, 1230 and 1260 of the Revised Statutes of Ohio, be supplemented with sectional numbering, so as to read as follows:

Fees of probate judge.

Sec. 546. Each probate judge in this state shall charge and collect for services rendered, the fees herein provided, and no more: Docketing each case, to be charged but once, four cents; entering the appearance of parties, to be charged but once in each case, eight cents; taking affidavit, ten cents; issuing summons or other writs under seal, twenty cents each; entering order to advertise, twenty cents; filing any papers, except accounts current and vouchers of executors, administrators and guardians, four cents each; entering the return of any writ, four cents; issuing a subpœna when there is but one witness named, ten cents, for every additional name, four cents; swearing each witness, three cents; entering attendance of each witness, five cents; indexing each cause, eight cents; entering judgment on journal, eight cents; recording general verdict, eight cents; entering order on journal, eight cents; each one hundred words for transcribing judgment or orders on docket, eight cents; entering satisfaction of judgment or decree on record, eight cents; entering every special rule, four cents; entering every continuance, or dismissal, eight cents; entering rule of reference, eight cents; and for a copy thereof, under seal, twenty cents; entering notice of appeal, eight cents; making cost bill, twenty-five cents, which shall be taxed but once; making up complete record in cause, eight cents for each hundred words, but no complete record shall be made in any case, except when the title of real estate is drawn in question, the court may order the same, or either party may require it, at his own cost; making out copies or records of any proceedings in a cause, when required by either party or the law, with a seal annexed, eight cents for each hundred words; entering an allowance of an injunction, certiorari, or habeas corpus, eight cents; issuing execution, twenty-five cents; docketing each execution issued, eight cents; issuing order of sale, twenty-five cents, and eight cents for every hundred words said writ may contain over the first hundred; recording returns on writs of execution and order of sale, eight cents for each hundred words; each certificate to which the seal of the court is required and not herein provided for, thirty-five cents; probate of will and entry thereof, thirty cents; issuing letters testamentary or letters of administration or guardianship, under seal of court, seventy-five cents; taking bond of executors, administrators, or guardians, twenty-five cents; recording a bond, will, inventory, sale bill, or settlement of executors, adminis-

trators or guardians, eight cents for every hundred words; making out copies of wills, inventories, sale bills, settlements, or rules of court ordered or to be furnished by executors and guardians, eight cents for each hundred words; entering the appointment of executors, administrators, or guardians, or appraisers of property, ten cents; copy of order to appraisers, ten cents; filing an account, warrant and vouchers of an executor, administrator or guardian for settlement, and entering the same on the minutes of the court, fifteen cents; entering the order of settlement of same, twelve cents; examining partial or final settlements of guardians, executors or administrators, seventy-five cents each, where there are not more than fifty vouchers to be examined, and if any account shall contain more than fifty vouchers, the sum of two cents for each additional voucher so examined; issuing citations to executors, administrators, or guardians, twenty-five cents; administering an oath when necessary, and issuing a marriage license and filing and recording the certificate of marriage, seventy-five cents; giving notice of time of settlement, eight cents; hearing application on behalf of idiots and lunatics, one dollar and fifty cents; hearing application for the right of way of railroads, plank-roads and turnpikes, or road appeals, two dollars per day; hearing and deciding application in contested cases, on petition of administrator, guardians or executors to sell land, and petition to convey, seventy-five cents, to be taxed in each of the above cases in the bill of costs; holding examining courts, two dollars per day, hearing and determining applications on habeas corpus in criminal cases, one dollar and fifty cents, to be paid out of the county treasury; hearing and determining applications for habeas corpus in civil cases, seventy-five cents; hearing and determining applications in contested cases, one dollar and fifty cents, to be taxed in the bill of costs against the unsuccessful party; for the registry of births and deaths, the sum of eight cents for the registry of each birth and each death returned to his office; for any other services not herein provided for, the same fees shall be collected as for similar services in the court of common pleas. But no other fees shall be collected for any indexing or recording or any other service whatever that is necessary to complete the records or reports required.

Salaries probate judges.

Sec. 546*a*. The several probate judges shall hereafter receive compensation per annum for their services, as follows: In all counties, the sum of fifteen hundred dollars, and the sum of one hundred dollars additional thereto for each five thousand, or the larger fraction thereof, of the population of the county in excess of fifteen thousand, as determined by the last preceding federal census, and in counties having more than one hundred and forty thousand inhabitants, ten dollars for each additional thousand inhabitants. But nothing herein shall apply to counties having three hundred thousand inhabitants or more, and in all counties containing more than twenty thousand and less than three hundred thousand inhabitants, the probate judge thereof may appoint a deputy or deputies, whose number and salaries shall be fixed by the judge of the court of common pleas, and paid out of the county

Exceptions.

Deputies.

treasury monthly out of the probate fee fund. Provided, that the compensation of the probate judge and the salary of his deputy clerk or clerks, shall in no case exceed in any one year, in the aggregate, the amount of fees collected and paid into the probate fee fund by him.

Monthly statement of costs and fees collected.

Fees, costs, etc., to be paid into treasury.

Sec. 547. At the end of each month the probate judge shall file with the county auditor a statement, under oath, of all the costs, fees, percentages and allowances collected or received by him, and the sources from which derived, during the month; and shall, at the same time, pay into the county treasury the amount thereof and take duplicate receipts therefor from the treasurer, one of which he shall retain, and one he shall file with the county auditor, who shall preserve the same, and said sum shall be placed to the credit of the probate fee fund in the county treasury. The probate judge shall actively and in person discharge and perform the duties of his office, and a failure or neglect so to do unless unavoidable, shall be cause for his removal from office.

Salaries county auditors.

Sec. 1069*a*. The several county auditors shall receive compensation per annum for their services, as follows: In all counties, the sum of fifteen hundred dollars, and the sum of two hundred dollars in addition thereto for each five million dollars or the larger fraction thereof, of the total valuation of property on the general tax duplicate of the county in excess of five millions of dollars. Provided, that when the valuation reaches fifty millions the increase shall be at the rate of one hundred dollars for each additional five millions or greater fraction thereof; but nothing herein shall apply to counties containing three hundred thousand inhabitants or more, and in all counties containing twenty thousand inhabitants and less than three hundred thousand inhabitants, the auditor may appoint a deputy or deputies, whose number and salaries shall be fixed by the county commissioners and the auditor and his deputies shall be paid out of the county treasury monthly. But in counties having a population less than twenty thousand, nothing in this act shall be construed to affect any right to an allowance provided for in section 1076.

Exceptions.

Deputies.

Statement of fees, etc., collected.

Fees, etc., to be paid into treasury.

The county auditor shall, at the end of each month, file with the county treasurer a sworn statement showing the amount of fees, costs, commissions, percentages and allowances received or collected by him during the month, and the sources from which derived, and shall at the same time pay the amount thereof into the county treasury, and file the receipt therefor in his office, and said sum shall be credited to the general or county fund in the county treasury. Provided, that no county auditor shall receive a total compensation for his services and for salary for his deputy or deputies in excess of what he would be entitled to receive under sections 1069 and 1070 together with the fees, costs, commission, percentages and allowances now provided for by law. The auditor shall, actively and in person, discharge and perform the duties of his office, and his failure or neglect so to do unless unavoidable, shall be grounds for his removal from office in accordance with the provisions of section 1031 of the Revised Statutes.

Sec. 1070*a*. In determining the compensation of county auditors, the county commissioners shall be governed by the total valuation of property on the general tax duplicate on the first Monday in September of each year, for that year. Manner of determining compensation.

Sec. 1117. The county treasurers shall receive compensation per annum for their services, as follows: In all counties the sum of fifteen hundred dollars, and the sum of two hundred dollars in addition thereto for each five million dollars or the larger fraction thereof, of the total valuation of property on the general tax duplicate of the county in excess of five millions of dollars. Provided, that when the valuation reaches fifty millions, the increase shall be at the rate of one hundred dollars for each additional five millions or the greater fraction thereof. But nothing herein shall apply to counties containing three hundred thousand inhabitants or more, and in all counties containing twenty thousand and less than three hundred thousand inhabitants, the treasurer may appoint a deputy or deputies, whose number and salaries shall be fixed by the county commissioners and paid out of the county treasury monthly. Nothing herein shall be construed to affect section 2856. The county treasurer shall, at the end of each month, file with the county auditor a sworn statement showing the amount of percentages and allowances received or collected by him during the month, and the sources from which derived, and shall at the same time pay the amount thereof into the county treasury, and file the receipts therefor in the county auditor's office, and said sum shall be credited to the treasury fee fund in the county treasury. The treasurer shall actively and in person discharge, and perform the duties of his office and a failure or neglect so to do unless unavoidable, shall be cause for his removal from office. Salaries of county treasurers. Exceptions. Deputies. Monthly statement by county treasurer.

Sec. 1157. The recorder shall charge and collect the following fees: For recording mortgage, deed of conveyance, power of attorney or other instrument of writing, twelve cents for every hundred words actually written on the records, and ten cents for indexing the same, to be paid on the presentation of such instruments for record; for certifying copy from the record, twelve cents for every hundred words; for recording assignment or satisfaction of mortgage or discharge of the soldier, twenty-five cents; for every search of the record, without copy, fifteen cents; for recording any plat not exceeding six lines, one dollar; and for each additional line, ten cents. Fees of county recorder.

Sec. 1157*a*. The several county recorders shall hereafter receive compensation per annum for their services, as follows: In all counties the sum of one thousand dollars, and the sum of one hundred dollars in addition thereto for each five thousand or the larger fraction thereof of the population of the county in excess of fifteen thousand, as determined by the last preceding federal census. At the end of each month the county recorder shall file with the county auditor a sworn statement of all fees and allowances collected or received by him during the month, and the sources from Salaries of county recorders. Monthly statement by recorder.

which derived, and shall at the same time pay into the county treasury the amount thereof and take duplicate receipts therefor, one of which he shall retain, and one he shall file with the county auditor, and said amount shall be credited to the county recorder's fee fund in the county treasury. But nothing herein shall apply to counties having three hundred thousand inhabitants or more. In all counties containing more than twenty thousand population the county recorder may appoint one or more deputies, whose number and salary shall be fixed by the county commissioners; provided, however, that the total compensation paid any recorder and deputy or deputies under this act shall not, together, exceed the fees by him received and collected. The county recorder shall actively and in person perform and discharge the duties of his office, and a failure or neglect so to do, unless unavoidable, shall be cause for his removal from office.

Exceptions. Deputies.

Salaries of sheriffs.

Sec. 1230a. The several sheriffs shall receive compensation per annum for their services, as follows: In all counties the sum of fifteen hundred dollars, and the sum of one hundred dollars in addition thereto for each five thousand, or the larger fraction thereof of the population of the county in excess of fifteen thousand as determined by the last preceding federal census. Nothing herein shall apply to counties containing three hundred thousand population or more. In all counties containing twenty thousand population or more, the sheriff may appoint a deputy or deputies, whose number and salaries shall be fixed by the county commissioners, and the compensation of the sheriff and the salaries of his deputies shall be paid out of the sheriff's fee fund in the county treasury monthly, upon the warrant of the county auditor. At the end of each month the sheriff shall file with the county auditor a statement under oath of all fees, costs, commissions, percentages and allowances collected or received by him during the month, and the source from which derived, and shall at the same time pay into the county treasury the amount thereof and take duplicate receipts therefor, one of which he shall file with the county auditor, and one of which he shall retain, and said amount shall be credited to the sheriff's fee fund in the county treasury. Provided, however, that the total compensation paid to any sheriff and the salary of his deputy or deputies out of said fee fund, shall not, in any case, in the aggregate, in any one year, exceed the amount paid into and credited to said fee fund by the sheriff. Provided further that the costs or fees charged by him, but collected by his successor and paid into the county treasury, may be used to pay said sheriff the full compensation herein provided, in case there shall not be sufficient money in said fee fund to pay his full compensation as provided herein at the expiration of his term of office. The sheriff shall actively and in person discharge and perform the duties of his office, and a failure or neglect so to do, unless unavoidable, shall be cause for removal from office.

Exceptions. Deputies.

Monthly statement by sheriff.

Fees of clerk.

Sec. 1260. The clerk of common pleas court shall, for services hereafter specified, when rendered, charge and collect

the fees herein provided, and no more; he shall administer oaths in pension and bounty cases without charge; docketing each cause in appearance docket, four cents; indexing each cause in same, direct and reverse, four cents; entering the voluntary appearance of plaintiffs and defendants, four cents each; filing each precipe, pleading or other necessary document, four cents; taking each affidavit, eight cents; issuing each summons, notice, order of arrest, order of delivery, order of attachment, order of injunction, mandamus, mandate, execution, habeas corpus, attachment for contempt, order of reference, writ of dower, writ of partition, order of sale or any other order or writ (excepting a subpœna) wherein the number of words does not exceed three hundred, twenty-five cents, and where the number of words exceeds three hundred, eight cents for each hundred words; taking an undertaking bond or recognizance, twenty-five cents; taking justification of bail on notice, thirty-five cents; indorsing or entering allowance of bail, four cents; entering the return of each writ or order (except in executions and subpœnas), four cents; impaneling a jury in each cause tried by jury, administering the oath, twelve cents; a certificate to each tales juror for his fees, four cents; calling and entering each tales juror, four cents; issuing a subpœna wherein there is but one witness named, eight cents; for each additional name on the subpœna, four cents; swearing each witness and making entry of same, four cents; entering attendance each witness, four cents; a certificate to each witness for his fees, four cents; issuing a certificate of qualification of a witness for a grand jury, four cents; entering each cause on the bar and court calendar of each term, four cents; indexing each cause, four cents for each term the same remains on the docket; for entering an order, verdict, rule or judgment on the journal, eight cents for each hundred words; transcribing or posting an order, verdict, rule or judgment on the appearance docket, eight cents; entering an assignment of a judgment or final order, eight cents; entering continuance, dismissal or settlement of a cause, eight cents; entering a notice of appeal, eight cents; entering on the journal the finding and indictment, eight cents; entering on the journal any plea not required to be in writing, eight cents; polling a jury when required, twenty-five cents; drawing a cost bill, which shall be taxed but once, twenty-five cents; making up a complete record in each cause, eight cents for each hundred words; making out copies of process, pleadings, records, files or any proceedings in a cause, with the seal annexed, when required by a party or the law, eight cents for each hundred words; for indexing judgments and final orders for each case, fifteen cents; docketing each execution issued, four cents; making direct and reverse index to each execution issued, eight cents; entering and recording the return of an execution, where the number of words does not exceed one hundred, eight cents; and where the words exceed one hundred, eight cents for each hundred words; each certificate with the seal of the court annexed (excepting when affixed to a copy) required by a party or the law, thirty-five cents; for each cer-

Fees of clerk.

tificate to which the seal of the court is not required and not herein otherwise provided for, fifteen cents; for a search of files, records, or docket (excepting for a party or an attorney), eight cents; taking and entering a declaration of intention to become a citizen of the United States, and for a certified copy of such entry, under the seal of the court, twenty-five cents; entering the final admission of an alien to the rights of citizenship, and for a certified copy thereof, under the seal of the court, twenty cents; issuing any license ordered by the court, forty cents; receiving poll-books of justices' election, certifying elections therefrom, administering oath, and entering the same of record, seventy-five cents, to be paid by each justice on receiving his commission; receiving and disbursing money other than costs and fees paid over to such clerks in pursuance of an order of court or other judgments, and which has not been collected by the sheriff or other proper officer, on order or execution, to be taxed against the party charged with the payments of such money a commission of one per centum on the first thousand dollars and of one-fourth of one per centum on all exceeding one thousand dollars.

Salaries of clerks.

Sec. 1260*b*. The several clerks of the court of common pleas shall hereafter receive compensation per annum for their services, as follows: In all counties the sum of one thousand dollars, and the sum of two hundred dollars in addition thereto for each five thousand, or the larger fraction thereof, of the population of the county in excess of fifteen thousand and not exceeding thirty thousand, and above thirty thousand the sum of one hundred dollars for every five thousand, or larger fraction thereof of the population as determined by the last preceding federal census. But nothing herein shall apply to counties containing three hundred thousand inhabitants or more, and in all counties containing twenty thousand inhabitants and less than three hundred thousand inhabitants, the clerk of the court of common pleas thereof may appoint a deputy clerk, or clerks, whose number and salaries shall be fixed by the judges of the court of common pleas, and paid out of the county treasury monthly. And in addition thereto, clerks of the court of common pleas shall receive ten per cent. of all moneys collected by them under section 1260. At the end of each month the clerk of the court of common pleas shall file with the county auditor a statement, under oath, of all the fees, costs, commissions, allowances or percentages collected or received by him during the month, and the sources from which derived, and shall, at the same time, pay into the county treasury the amount thereof, less the ten per cent. of his collections under said section 1260, and shall take duplicate receipts therefor, one of which he shall file with the county auditor and one of which he shall retain, and said amount shall be credited to the clerk of the common pleas fee fund in the county treasury. Provided, however, that the total compensation paid any clerk of the common pleas court and his deputy clerk or clerks, out of said fund, shall not, in the aggregate, exceed the fees, costs, commissions, percentages or allowances by him received or collected, except the ten per cent. as aforesaid;

Exceptions.

Deputies.

Monthly statement by clerk.

provided, further, that the costs or fees charged by him, but collected by his successor and paid into the county treasury, may be used to pay said clerk the full compensation herein provided in case there shall not be sufficient money in said fee fund to pay his full compensation as provided herein at the expiration of his term of office. The clerk of the court of common pleas shall actively and in person perform and discharge the duties of his office, and a failure or neglect so to do, unless unavoidable, shall be cause for removal from office. In case the fund from which the salaries of any of said officers and their respective deputies are payable, is not sufficient to pay the whole of such salaries at any time, then the fund shall be pro-rated between such officer and his deputies in proportion to their salaries, and the balance in each fund shall as to each office, at the end of each official year, after the payment of the salaries payable therefrom, be turned over and transferred to the general or county fund.

Fund to be pro-rated if insufficient to pay all salaries, etc.

SECTION 2. Said original sections 546, 547, 1117, 1260, be and the same are hereby repealed.

Repeals.

SECTION 3 All probate judges, auditors, treasurers, recorders, sheriffs and clerks of common pleas court who have entered upon their terms of office, or who have been elected thereto at the time of the passage of this act, shall continue to receive such fees and compensation as are now provided by law, until the expiration of their said terms respectively. But after their respective successors are elected, nothing in this act or in any section of the Revised Statutes shall be construed to allow any such officer any compensation except the salaries provided in this act.

Compensation of officers heretofore elected, etc.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
405G

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[House Bill No. 1429.]

AN ACT

To provide for the safety of passengers on street-cars, crossing one another's tracks, and the tracks of steam railways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the tracks of two street railroads cross each other or in any way connect at a common grade, when one or both such street railroads use other than horse power for propelling their street-cars, the crossings shall be made and kept in repair at the joint expense of the companies owning the tracks, and all such cars used on said street railroads shall come to a full stop, not nearer than ten feet nor further than fifty feet from the crossing, and shall not cross until the way is clear; and when two or more cars approach

Intersecting street railroads: repair of crossings.

Stopping of cars at crossing.

the crossing at the same time the car or cars on the road first built shall have precedence.

Street-cars must come to full stop when approaching intersecting steam railway, etc.

SECTION 2. That whenever the tracks of any street railroads in this state cross the tracks of any steam railway at grade, the street railway company operating said line of cars shall cause their street-cars to come to a full stop not nearer than ten feet nor further than fifty feet from the crossing, and before proceeding to cross said steam railway tracks, shall cause some person in their employ to go ahead of said car or cars and ascertain if the way is clear and free from danger for the passage of said street-cars, and said street railroad cars shall not proceed to cross until signaled so to do by such person so employed as aforesaid, or said way is clear for their passage over said tracks.

Penalties.

SECTION 3. Every person in charge of any street-car or cars who willfully fails to comply with the provisions of this act, and fails to bring said car or cars which he has in charge to a full stop, or causes the same before the way is clear, or signaled so to do to cross said steam railroad tracks, shall be personally liable to any person injured by reason of such failure as aforesaid, to a penalty of one hundred dollars, to be recovered by civil action at the suit of the state of Ohio, in the court of common pleas of any county wherein such crossing or connection is, and the company in whose employ such person having charge of said car or cars is, as well as the person himself shall be liable in damages to any person or persons injured in person or property [having charge of such car or cars] as aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
406G

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[House Bill No. 1456.]

AN ACT

For the relief of Matthew C. Miraben, member Ohio national guards, injured by premature explosion of cannon.

Appropriation for Matthew C. Miraben.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be and he is hereby authorized and required to issue his warrant on the state treasurer to pay to Matthew C. Miraben, of Marietta, Ohio, out of the general revenue fund not otherwise appropriated, one thousand ($1,000) dollars for his relief on account of injuries sustained by him by the premature explosion of a cannon on the 14th day of July, A. D. 1888, while in line of his duty as private of battery "G," first regiment light artillery Ohio national guards.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891
407G

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[House Bill No. 1541.]

AN ACT

**To repeal the laws providing for a struck jury in Cuyahoga county.**

Struck jury law shall not apply to certain counties (Cuyahoga).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 5185, as amended February 26th, 1880 (77 v. 12), 5186, 5187, 5188 and 5189 of the Revised Statutes of Ohio, shall not apply to any county containing a city of the second grade of the first class; and this act shall apply to pending actions and proceedings except where a jury shall have been struck under the provisions of such sections prior to the taking effect of this act.

SECTION 2. This act shall take effect and be in force from and after August first, A. D., 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
408G

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[House Bill No. 1557.]

AN ACT

**For the benefit of Mrs. Sarah E. Dempcy, wife of the late Hon. M. L. Dempcy, member of state board of equalization.**

Appropriation for Mrs. Sarah E. Dempcy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of five hundred dollars be and the same is hereby appropriated and allowed to Mrs. Sarah E. Dempcy, wife of Hon. M. L. Dempcy, the late member of the state board of equalization from Cuyahoga county, from the 25th senatorial district of Ohio, who died on the 7th day of February, A. D. 1891, the same being the amount which would have been due the said Hon. M. L. Dempcy for his services as member of state board of equalization, and that the same be paid from any money in the treasury to the credit of said board of equalization.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
409G

[House Bill No. 1604.]

AN ACT

To amend section 1464 of the Revised Statutes.

Officers of civil townships:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1464 of the Revised Statutes be amended so as to read as follows:

Trustees may accept, purchase or appropriate lands for cemeteries.

Sec. 1464. The trustees may accept a conveyance of, or purchase and inclose, improve, and protect such lands in one or more places within the township as they deem necessary and proper for cemetery purposes; and if suitable lands can not be procured by contract on reasonable terms, they may appropriate lands therefor, not exceeding ten acres, by proceedings in accordance with the provisions of law regulating the appropriation of private property by municipal corporations; but no such appropriation shall be made until the court is satisfied that such lands can not be obtained by contract on reasonable terms; nor shall any lands be so appropriated on which there is any house, barn, stable, or other building, or any orchard, nursery, medical or mineral spring, or well yielding oil or salt water; nor shall any lands be so appropriated within two hundred yards of a dwelling-house. The trustees, when petitioned by twenty-five interested persons, shall provide a public road to any township cemetery over which they have control in the same manner as herein provided for establishing cemeteries and obtaining the land therefor.

Petition for public road to cemetery.

Repeals, etc.

SECTION 2. Section 1464 is repealed and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
410G

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[House Bill No. 1678.]

AN ACT

To amend section one of an act entitled "An act to prevent an excess of public expenditures over receipts," passed February 26th, 1890, and amended April 11, 1890.

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "An act to prevent an excess of public expenditures over receipts," passed February 26th, 1890, and amended April 11th, 1890, be amended so as to read as follows:

Officers certain cities (Cleveland and Columbus) shall not make contract unless money in fund to meet expense.

Sec. 1. That in all cities of the second grade of the first class, and first grade of the second class, it shall be unlawful for any executive or other officer of such city to enter into any contract involving the expenditures of money by such city unless the money to meet the expense is in the public treasury to the credit of the proper fund and unapportioned for any other purpose; provided, however, that money to be

derived from taxes, or other revenue, in process of collection, or from the sale of bonds, or notes, duly authorized by law and ordinance shall for the purpose of this act be deemed to be in the public treasury.

SECTION 2. Said originial section as amended April 11th, 1890, is hereby repealed and this act shall take effect from and after its passage. Repeals, etc.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
411G

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[House Bill No. 1709.]

AN ACT

**Making appropriations to meet deficiencies and pay liabilities.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums of money to pay deficiencies and liabilities as hereinafter particularly mentioned, to-wit: Deficiency appropriations.

*Adjutant-General's Department:*

Transportation of indigent soldiers, one dollar and seventy-five cents ($1.75).

Care of military stores and freight on arms, forty-four dollars and fifty-two cents ($44.52).

*Ohio National Guard:*

Pay of the Ohio national guard in camp, fifteen hundred and seventy-six dollars and seventy-five cents ($1,576.75).

Uniforms, three hundred and two dollars and four cents ($302.04).

Tents and tentage, twelve hundred and eleven dollars and twenty-five cents ($1,211.25).

To the Pittsburgh and Western railroad company, for transportation (1889), twenty-four dollars and twenty-nine cents ($24.29).

*State-House and Grounds:*

Material and repairs, one thousand and five dollars and six cents ($1,005.06).

Salary of two firemen, thirty-seven dollars and fifty cents ($37.50).

Extra labor, six dollars ($6.00).

New walks and repairs, eighteen hundred and thirty-one dollars and thirty-seven cents ($1,831.37).

*Board of Public Works:*

Deficiency appropriations.

Miami and Erie canal, three thousand five hundred and forty-two dollars and eighty-five cents ($3,542.85).

Southern division Ohio canal, seven thousand five hundred dollars ($7,500.00).

Hocking canal, one thousand four hundred and thirty-one dollars and eighteen cents ($1,431.18).

To pay Bateman and Harper, counsel fees, costs and expenses in various cases, three hundred and twenty-six dollars and sixty-six cents ($326.66).

*Attorney-General:*

Contingent expenses, three hundred and fifty dollars ($350.00).

*Board of State Charities:*

Expenses of board, six hundred and eight dollars and sixty-seven cents ($608.67).

*Commissioner of Common Schools:*

For expenses and per diem of school-book board, under the act of April 28, 1890 (87 O. L., 377), two hundred and twenty dollars ($220.00).

*Commissioner of Railroads and Telegraphs:*

Inspectors to examine bridges, structures and railroad appliances, one hundred and sixty-six dollars and eighty-nine cents ($166.89).

Expenses outside, two hundred dollars ($200.00).

For type-writer, in exchange, sixty-three dollars ($63.00).

Contingent expenses, one hundred and forty-two dollars and seventy-four cents ($142.74).

*Executive Department, Governor's Office:*

For salary of messenger, two hundred and twenty-five dollars ($225 00).

For telegraphing, two hundred dollars ($200.00).

For postage, fifty dollars ($50.00).

For contingent expenses, seventy-five dollars ($75.00).

*Athens Asylum for the Insane:*

For salaries of officers, forty-three dollars and thirty-three cents ($43.33).

*Girls' Industrial Home:*

For salaries of officers, teachers and employes, seven hundred dollars and eighty-nine cents ($700.89).

*State Board of Health:*

General expenses of board, four hundred and eighty-two dollars and twenty cents ($482.20).

*Ohio Institution for the Deaf and Dumb:*

Deficiency appropriations.

Current expenses, three thousand six hundred and thirteen dollars and eight cents ($3,613.08).

For balance on new engine and belting, and hauling and setting engine, two hundred dollars and fifty cents ($200.50).

*Ohio Soldiers' and Sailors' Home:*

Current expenses, seventeen hundred and forty-five dollars and sixty-six cents ($1,745.66).

Clothing, three thousand two hundred and thirty-four dollars and ten cents ($3,284.10).

*Ohio Soldiers' and Sailors' Orphans' Home:*

For current expenses, six thousand five hundred and fifteen dollars ($6,515.00).

Furniture and carpets, two hundred and fifty-one dollars and forty-three cents ($251.43).

*Bureau of Statistics of Labor:*

Expenses of free public employment offices in cities of the first class, and cities of the first and second grades of the second class, two thousand dollars ($2,000.00).

*Inspector of Mines:*

Contingent expenses, six hundred and twenty-five dollars and eighty-three cents ($625.83).

Clerk hire, eighty-two dollars and fifty cents ($82.50).

*Clerk of Supreme Court:*

For extra clerk hire, one hundred and twenty-six dollars and sixty-six cents ($126.66).

For contingent expenses, four dollars and fifty cents ($4.50).

*Institution for the Blind:*

For repairs of boilers, steam-pipe and heating apparatus, one hundred and forty-five dollars and fifty cents ($145.50).

Trustees' expenses, one hundred and eighty-three dollars and eighty-five cents ($183.85.)

For repair of carriages, buggies and wagons, twenty-five dollars and sixty-five cents ($25.65).

*Legislature:*

To pay liabilities incurred in caring for the halls and rooms of the general assembly, as follows:

To Frederick Blankner, balance for services, eight dollars ($8.00).

To George Riley, for labor, sixty-two dollars ($62.00).

To James B Lewis, for labor, forty-one dollars ($41.00).

*Chief Inspector of Workshops and Factories:*

Clerk hire, five hundred and eighty-five dollars ($585.00).

Deficiency appropriations.

Traveling expenses of district inspectors, three hundred dollars ($300.00).

Traveling expenses of chief inspector, two hundred dollars ($200.00).

Attorneys' fees, two hundred dollars ($200.00).

Contingent expenses, one hundred and fifty dollars ($150.00).

*Institution for Feeble-Minded Youth:*

To pay balance due since A. D. 1887, for reconstruction of main building (the appropriation heretofore made having lapsed pending litigation), five thousand seven hundred and seven dollars and thirty-four cents ($5,707.34).

*Treasurer of State:*

New carpets and furniture, sixty-nine dollars and thirty-three cents ($69.33).

*Toledo Asylum for the Insane:*

For the erection of an amusement hall, fifteen hundred dollars ($1,500.00).

*Ohio Penitentiary:*

Current expenses, ten thousand nine hundred and ninety-one dollars and twenty-three cents ($10,991.23).

Salaries of guards, eight thousand nine hundred and ninety-one dollars and thirty-six cents ($8,991.36).

Rewards of convicts, five thousand two hundred and eighty-four dollars and sixty-four cents ($5,284.64).

Manufacture of gas, two thousand two hundred and ten dollars and fifty-two cents ($2,210.52).

Expenses of executions, one thousand and twenty-two dollars and ninety-nine cents ($1,022.99).

Horses and carriages, seven hundred and sixty-four dollars and ninety-eight cents ($764.98).

Moral and religious instruction, fifty-one dollars and sixty-one cents ($51.61).

Improvement of lights, thirty-five dollars and eighty-one cents ($35.81).

Prosecution and transportation of convicts to Ohio penitentiary, ten thousand one hundred and eighty-six dollars and sixty-six cents ($10,186.66).

*Ohio Working Home for the Blind:*

To pay for broom material purchased in 1888 and 1889, one thousand and one hundred and sixty dollars and forty-seven cents ($1,160.47).

*Columbus Asylum for the Insane:*

Current expenses, seventeen thousand nine hundred and ninety-six dollars and seventy-eight cents ($17,996.78).

*Dayton Asylum for the Insane:*

Deficiency appropriations.

Current expenses, ten thousand and ninety-six dollars and forty-two cents ($10,096.42).

*Boys' Industrial School:*

Salary of officers, twelve hundred and twenty-five dollars and fifty cents ($1,225.50).

Current expenses, fifteen hundred dollars ($1,500.00).

Trustees' expenses, twenty-eight dollars ($28.00).

Ordinary repairs, including painting, one hundred and ninety-eight dollars and twenty-five cents ($198.25).

*Prosecuting the War Claims of Ohio versus the United States:*

Expenses of agent, three hundred and fifty-nine dollars and sixty cents ($359.60).

*Miscellaneous:*

To pay costs in cases tried in the court of common pleas of Franklin county, to be paid to the clerk of said court for distribution, as follows:

Ohio vs. the board of commissioners of Washington county, four hundred and fourteen dollars and seventy-nine cents ($414.79).

Ohio vs. the Eagle insurance company, twelve dollars and forty-five cents ($12.45).

Ohio vs. the Miami insurance company, twelve dollars and forty-five cents ($12.45).

To re-imburse John W. Warrington for expenses incurred in procuring testimony and preparing for trial in case of the state of Ohio versus the Standard oil company, two hundred dollars ($200.00).

To pay to John W. Warrington, on account of professional services rendered as attorney in case of the state of Ohio versus the Standard oil company, five hundred dollars ($500.00).

To pay costs adjudged against the state at the suit of the Little Miami elevator company, to be paid to the clerk of the court of the common pleas of Franklin county to be by him distributed to the parties entitled, eighty-two dollars and twenty-nine cents ($82.29).

To be paid to Thomas McDougall to re-imburse him for expenses incurred by him as counsel for the state in various cases, upon voucher to be approved by the attorney-general, two hundred and seventy-three dollars and thirty cents ($273.30).

To be paid to the Little Miami elevator company in payment of judgment by it recovered against the state, to be paid upon voucher to be approved by the attorney-general, six thousand dollars ($6,000).

To pay Frank A. Davis for assistance rendered committee appointed to purchase "Fort Ancient," forty dollars ($40.00).

To pay W. F. Smith for sweeping the roadway along property of the state (state-house grounds) abutting upon

Deficiency appropriations.

State street from High street to Third street, Columbus, 660 feet, at the rate of two cents per foot per month, from December 1, 1888, to December 1, 1890, three hundred and twelve dollars ($312.00).

J. and P. Owen, for sprinkling and cleaning 660 feet on High street, Columbus, from February 1, 1891, to April 1, 1891, forty-six dollars and twenty cents ($46.20).

For the completion of the normal and industrial building at Wilberforce university, ten thousand dollars ($10,000).

SECTION 2. The moneys appropriated by this act shall only be paid out on vouchers approved by the governor; excepting where it is herein provided that the same shall be paid on vouchers approved by the attorney-general.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
412G

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[House Bill No. 1730.]

AN ACT

To amend section 4910 of the Revised Statues.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4910 of the Revised Statutes of Ohio, be amended to read as follows:

Township trustees may issue bonds for building or repairing road or sidewalk to cemetery.

Sec. 4910. The trustees of any township in which there is now or may hereafter be located any cemetery, when it becomes necessary to make or repair roads, or build or improve sidewalks, from any public road, or from any town or village to such cemetery, may borrow money and issue bonds not exceeding fifteen hundred dollars, and at a rate of interest not exceeding six per cent. per annum, for the purpose of making, repairing or building such roads or walks from such public highway, or town or village, to such cemetery. Provided, further, upon petition of a majority of the owners of real estate abutting on said road or sidewalk, the trustees shall submit the question of borrowing money and issuing bonds for the purpose of making, repairing or building such roads or walks to the cemetery to a vote of the qualified electors of said township, at any special or general election, of which at least 10 days' notice shall be given. If a majority of the voters of said township vote in favor of issuing said bonds, then the trustees of said township shall issue said bonds as provided for in this section.

When question of issue shall be submitted to vote.

Repeals.

SECTION 2. Said original section 4910 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
413G

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[House Bill No. 1826.]

AN ACT

To authorize the board of trustees of the Ohio state university to issue certificates of indebtedness for certain purposes therein named.

Trustees of Ohio state university may issue certificates of indebtedness for erection, etc., of buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Ohio state university, for the purpose of providing for the erection and equipment of buildings necessary for the proper work of said institution, and to pay the costs, expenses, and estimates for such work as it progresses, be and it is hereby authorized to issue from time to time certificates of indebtedness not exceeding thirty thousand dollars in amount, in anticipation of and in amount not to exceed the annual levy for the support of said Ohio state university provided by act of the general assembly of the state of Ohio, entitled "An act to amend section 3951 of the Revised Statutes of Ohio," passed March 20, 1891.

Certificates of indebtedness: how issued, etc.

SECTION 2. The certificates of indebtedness herein authorized shall be signed by the president and secretary of said board of trustees, and sealed with the seal of said university, shall bear such rate of interest as said board of trustees may determine, not exceeding six per cent. per annum, and shall be payable on call by said board out of the revenues in anticipation of which they may be issued, as herein provided for; and the moneys arising from the issue of such certificates shall be applied exclusively to the purposes for which such certificates may be issued. Such certificates shall be sold by said board of trustees at not less than their par value, to the highest bidder, after notice of the sale thereof has been given for ten days in a newspaper of general circulation published in the city of Columbus, or may be issued to contractors on said proposed buildings in payment of estimates for work done by them.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
414G

[House Bill No. 1827.]

AN ACT

To pay certain members salary, due them.

Appropriation to pay salaries of John L. Geyer, Albert D. Heffner, John M. Pattison, Hugh A. Hart and James O. Amos.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of five hundred dollars for the purpose of paying John L. Geyer, Albert D. Heffner and John M. Pattison one hundred dollars each, due them as salary for the year 1890, Hugh A. Hart and James O. Amos, one hundred dollars each, due them as salary for the year 1891, as members of the 69th general assembly; and the auditor of state is hereby required to issue his warrants to the said John L. Geyer, Albert D. Heffner, John M. Pattison, Hugh A. Hart and James O. Amos for one hundred dollars each.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
415G

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[House Bill No. 1830.]

AN ACT

To amend section 1042 of the Revised Statutes.

County auditor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1042 of the Revised Statutes as amended April 13, 1888, be amended so as to read as follows, viz:

Delivery to treasurer of duplicate.

Sec. 1042. The auditor shall annually, on or before the first day of October, except in counties having a city of the second or third grade of the first class, when the time shall be on or before the first day of November, deliver to the county treasurer a true copy or duplicate of the books containing the tax-list required to be made by him for the year.

Repeals.

SECTION 2. Said section 1042 as amended April 13, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
416G

[House Bill No. 1836.]

AN ACT

**Relating to certain cities of the fourth grade of the second class.**

Construction of railroad by certain city (Salem): when council shall declare same necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any city of the fourth grade of the second class, which at the federal census of 1890 had a population of not less than 5,750 and not more than 5,800, or which at any subsequent federal census may have such population, individuals and corporations owning more than one-half of the real and personal property assessed for taxation in such city, as shown by the tax duplicate of the county in which such city is situated, then in force, shall by their petition in writing request the council of such city to provide for the construction of a line of railway between termini designated in such petition (one of which shall be such city) by such city and at its expense; the city council of such city may, by a resolution passed by a majority of all the members elected thereto, declare it to be essential to the interests of such city that the line of railway so prayed for in said petition be constructed by and at the expense of such city, and it shall thereupon be lawful for a board of trustees to be appointed, as hereinafter provided, to borrow and they are hereby authorized to borrow as a fund for the construction of such railway, an amount not exceeding the sum of five per cent. of the value of the property, real and personal, within such city, as the same are assessed on the tax duplicate of the county in which said city is situated; and to issue bonds therefor in the name of such city and under the corporate seal thereof, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, such bonds to be redeemable at the option of such city at any time after five years from the date thereof, and to be payable in twenty years from said date, at such place as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of such city, who shall keep a register of the same, and they shall be secured by a mortgage upon said railway and by the pledge of the faith of such city, and a tax which it shall be the duty of the council thereof annually to levy, which tax shall not exceed five (5) mills on the dollar in any one year, to pay the interest and provide a sinking fund for the final redemption of said bonds; provided, that such city shall not in any one year levy taxes to a greater amount than fourteen (14) mills on the dollar, including the levy for said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall have been submitted to a vote of the qualified electors of such city, at a special election to be ordered by the city council thereof, of which not less than twenty days' notice shall be given in the papers published in such city; and further provided, that two-thirds of said electors voting at such election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said city, and be by him laid before the city council, who shall declare the result

Amount of money to be borrowed.

Issue of bonds.

Mortgage on railway; levy of tax.

Question to be submitted to vote.

by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

Trustees of railway: appointment; bond.

SECTION 2. If two-thirds of the votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the clerk of said city forthwith to file a petition in the court of common pleas in the county in which such city is situated, praying that the judge thereof will appoint three trustees, who shall be electors and freeholders of said city, to be called the trustees of ———— railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment and enter the same on the minutes or journal of the court. They shall enter into bonds to the city, in such sums as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved by the clerk of said city, and deposited with the treasurer of the corporation for safe-keeping.

Powers of trustees.

SECTION 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a single track standard gauge railway, with all the usual appendages; and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ and pay officers and agents, and to acquire, hold and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, or bonds, and other personal property, and to dispose of the same in aid of said fund. And they shall have power to operate said railroad, or to provide for its operation.

Organization of trustees.

SECTION 4. The said trustees shall form a board and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the city under whose action they are appointed, but they may adjourn from time to time to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the corporation clerk, whenever requested to do so by a resolution of the city council. No money shall be drawn from said fund but upon the order of said board except their own compensation, which shall be paid out of the same upon the recommendation of the council of such city by resolution duly adopted, and allowed by the court appointing them.

Quorum; meetings.

Record of proceedings, etc.

How money drawn.

Security may be required of employes, etc.

SECTION 5. Said trustees shall have power to take such security from any officer, agent, or contractor, chosen or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or

contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

Removal of trustees.

SECTION 6. Whenever the corporation clerk of any city under whose action a board of trustees have been appointed as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner. If the corporation clerk shall fail to make application in either of the foregoing cases, after the request of any of the holders of the bonds issued by said trustees, or by a tax-payer of such city, such bond-holder or tax-payer may file a petition, in his own name, on behalf of the holders of such bonds, for like relief in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, he shall be allowed, as part of his costs, a reasonable compensation to his attorney.

Appropriation of lands, etc.

SECTION 7. Whenever, in the construction of a line of railway and its appurtenances as herein provided, it shall be necessary to appropriate lands for any purpose connected therewith, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

Appropriation of rights and easements.

SECTION 8. Whenever, in the construction of a line of railway as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, belonging to such city, proceedings shall be commenced and conducted in accordance with the laws in force at the time, for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

Trustees may lease road.

SECTION 9. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions, which shall be fixed and provided by the said board of trustees.

How deeds made and actions for appropriations begun.

SECTION 10. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such city providing the line of railway, or in the name of the trustees of said village [railway], and said proceedings may be commenced and conducted, either in the court of common pleas or probate court as in other cases of appropriations for the use of municipal corporations.

SECTION 11. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
417G

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[House Bill No. 1841.]

AN ACT

To amend section 4836*f* of the Revised Statutes, passed April 22, 1885.

Two-mile assessment pikes (in Lucas county):

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section numbered 4836*f* of the Revised Statutes of Ohio be amended so as to read as follows:

General tax levies for construction and repair of improved roads.

Sec. 4836*f*. For the purpose of providing by general taxation a fund, out of which not less than one-third the cost and expense of all improvements made under the provisions of this act can be paid, the commissioners of such county are hereby authorized to levy upon the grand duplicate of the county, not exceeding seven-tenths of one mill in any one year upon each dollar of the valuation of the taxable property in such county. And said commissioners shall at all times cause all necessary repairs to be made on such roads already constructed, or hereafter to be constructed or improved for their proper maintenance; and for such purpose may and they are hereby authorized to levy a tax upon the grand duplicate of the county, not exceeding two-tenths of one mill in any one year upon each dollar of the valuation of taxable property in such county. At their March session annually the commissioners shall divide each completed stone road in said county into sections of not more than two miles in length for the purpose of controlling the repairs of such roads. They shall at the same time make an estimate of the amount of materials required to keep each of said sections in proper condition during the next following year and decide upon the most convenient places for having said material delivered. They shall then fix a day on which they will let to the lowest responsible bidder the job of furnishing and delivering the said materials at the place decided upon and of keeping the said sections in repair for the period of one year according to specifications to be submitted to the bidders. They shall require and entertain separate bids for furnishing the material at the designated places of delivery, and for doing the necessary labor in keeping said sections in repair. When the necessary preliminary steps, as hereinbefore provided, have been taken, they shall cause three weeks' notice to be given by advertisement and handbills posted up on the lines of said roads, of the time when and place where bids for furnishing and delivering the said material and doing the said work will be received. They shall enter into contract with the succes-

ful bidder, and shall require good and sufficient bond of him for the faithful performance of the same, reserving the right to terminate each and every contract whenever in their opinion its provisions are not complied with. Before paying for any material furnished under contracts entered into in accordance with the provisions of this section it shall be the duty of the said board of county commissioners to inspect the same as to quality and quantity furnished. And said respective levies shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force. The proceeds of the levies hereby authorized to be made, shall be applied and used by the county commissioners in the construction and repair of such macadamized, stone, and gravel roads, as the case may be, and for no other purpose, and these funds shall not be subject to distribution to the townships, but shall be expended under the direct orders and supervision of the county commissioners. All the proceeds of such stone road building levies and of the sale of any bonds under the provisions of section forty-eight hundred and forty-six, shall be placed to the credit of a fund to be called "the stone road building fund," out of which shall be paid all the costs and expenses of said improvement, except the expense of the preliminary view and survey and the fees of the auditor and commissioners, but the auditor shall keep a separate account of each different improvement in a book to be kept for that purpose. The provisions of "An act to authorize certain cities to build bridges and issue bonds therefor," passed March 4, 1883 (80 Ohio laws, page 73), requiring all levies upon the property within any city of the third grade of the first class, made by the county commissioners for road purposes, to be paid into the treasury of said city, shall in no wise conflict with the provisions of this act, and shall not be applicable to the levies specifically authorized therein, the proceeds of which are to be applied and used by the county commissioners in the construction and repair of such roads.

Proceeds of levies.

SECTION 2. That the said original section 4836*f* be, and the same is hereby, repealed.

Repeals.

SECTION 3. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
418G

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[House Bill No. 1848.]

AN ACT

To authorize the improvement of public roads in certain townships by the township trustees thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township in this state, containing by the last federal census a population of not less

When question of improving roads shall be submitted to

Vote in certain townships (Antrim, Wyandot county).

than 1,690 and not more than 1,715, or that may contain at any subsequent federal census such population, and in which no free turnpikes have been constructed or are in course of construction, shall, when the petition of sixty or more taxpayers of such township (including any incorporated village which lies wholly or in part in such township) is presented to them, praying for the improvement of the public roads of such township, submit the question of the improvement of the public roads thereof to the qualified electors of such township, including such village, at a general or special election, within sixty days after the presentation of such petition.

Election; what to be voted on.

SECTION 2. The qualified electors of such township (including those of that part of any incorporated village that lies in such township) shall, at such election, have submitted to them the policy of improving its public roads by general taxation. The township trustees shall cause notice of such election to be given in all the newspapers published and of general circulation in such township, or in any village that lies wholly or in part in such township and shall also cause handbills announcing the same to be posted up at the usual place of holding elections in such township, at least ten days prior to such election. At such election those favoring said policy shall have written or printed upon their ballots the words, "For the improvement of public roads—Yes;" and those opposed to said policy shall have written or printed upon their ballots the words, "For improvement of public roads —No."

Ballots.

Conduct of election; returns, etc.

SECTION 3. The trustees of such township shall appoint three judges and two clerks for each voting place therein, who shall conduct such election in like manner as is by law provided for holding other elections. They shall, within three days thereafter, return to the clerk of such township a full and correct abstract of the votes cast at such election, and shall be governed, in all respects, by the laws regulating general elections, and shall receive the same compensation as judges and clerks at other elections, which shall be paid out of the township fund upon the order of the township clerk. The poll-books and abstracts so returned to the township clerk shall, within five days thereafter, be opened by the township trustees and clerk, and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

When question shall be again submitted, if defeated at first election.

SECTION 4. If, at such election, a majority of the votes cast are against the policy of improving the public roads by general taxation, the township trustees shall not assess any tax for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall, to the qualified voters of such township, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

Road commissioners.

SECTION 5. If, at such election, a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such town-

ship shall appoint three freeholders of such township, at least two of whom shall reside without the corporate limits of any village, that lies wholly or in part of [in] such township as commissioners to designate and determine the established roads of such township, which should, in their opinion, be improved; but no road shall be by them designated which does not extend beyond the township limits, or terminates at a county line road nor shall any public highway within the corporate limits of that part of any incorporated village which lies in such township be so designated unless it extends to and beyond the township line continuously, or terminates at a county line road. The commissioners shall call to their aid a competent engineer, or other competent person who shall make a correct map of the township, plainly showing the established roads of such township which have been by such commissioners designated for improvement, and also, profiles of such roads, showing the grades thereof as they then exist, which he shall turn over to the custody of the township clerk.

Roads which shall not be improved.

Engineer: appointment and duties of.

SECTION 6. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath or affirmation, honestly and impartially to discharge their duties with a view to the public welfare. They shall receive as compensation two dollars per day for each day actually employed. The engineer or person so employed shall receive such sum, not exceeding four dollars per day, as he may with the commissioners agree upon. The compensation of the commissioners and the engineer or person so employed shall be paid out of the township fund, upon the order of the township clerk, after allowance by the township trustees.

Commissioners: oath; compensation.

Compensation of engineer.

SECTION 7. After the report of the commissioners and the map and profiles of the engineer or person so employed have been filed with the township clerk, the township trustees shall, in determining which road shall be first improved of those designated by the commissioners, select the main roads entering said village, both east and west and north and south, and if, in their opinion, it is not expedient to undertake the improvement of the roads in all directions at one time, they shall proceed to first improve the road having the greatest length within the township.

Roads which shall be improved first.

SECTION 8. The trustees shall cause to be kept by the township clerk, in a book to be provided by them for that purpose, a full and complete record of their proceedings under this act, relating to the improvement of public roads; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by the trustees, whilst in session as a board, to be entered upon the record of their proceedings and by orders drawn in pursuance thereof by the township clerk, upon the township treasurer, and in favor of the persons only to whom the money is due.

Record of proceedings of trustees; accounts of receipts and expenditures, etc.

SECTION 9. When the township trustees have by resolution determined to improve a designated road, the work of

Letting of contracts.

its construction shall be by them publicly let to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published in such township, or in any village that lies wholly or in part in such township and by handbills judiciously posted.

Roads to be divided into sections.

SECTION 10. For the purpose of letting contracts the trustees shall cause each road about to be improved to be divided into suitable sections, and the sections shall be numbered from the point of beginning toward the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section, and also the materials which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work in such manner as the trustees may require, and shall also bid separately for the materials to be furnished.

How contracts let.

Bonds of contractors.

SECTION 11. Each contractor shall be required to give bond in amount at least equal to the contract price, with sufficient sureties for the faithful performance of his contract, payable to the township trustees, for the use and benefit of the township, and with the necessary stipulations on the part of the contractor and the specifications of work and materials inserted therein.

Where improvements shall begin; how payments made, etc.

SECTION 12. In all cases the construction of such improved roads shall commence at a point to be designated by the trustees of said township, and no payments for work or materials shall be made except upon estimates made by the superintendent of improved roads, appointed by the trustees, and by him duly certified, of work actually done, and of materials actually furnished, and after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

How work shall be done.

SECTION 13. No road shall be improved under the provisions of this act which is less than forty feet wide, and at least sixteen feet thereof shall be turnpiked with earth so as to drain freely to the sides, and shall be raised with stone or gravel not less than ten nor more than fourteen feet in width, and not less than twelve inches thick in the center nor less than six inches at the outer edge of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even and substantial road. The road shall be well provided with necessary side-drains, waste-ways and under-drains to prevent overflowing or washing by water; and the commissioners of the county in which such township is located shall, on the application of the township trustees, cause all necessary bridges and culverts on such roads to be constructed or reconstructed in a substantial manner, so as to conform to the grade of the improved road.

Bridges and culverts.

Roads so improved to be free turnpikes; regulation of width of tires, etc.

SECTION 14. All roads improved under the provisions of this act shall be free turnpikes; but the trustees of any such township shall have the same power to regulate the width of tires to be used on such roads as is conferred upon county commissioners in section 4904 of the Revised Statutes of the state of Ohio, and the penalties provided by section 4905 of

said statutes shall be applicable and imposed for any violation of the rules adopted by such trustees to regulate travel upon such improved roads.

Superintendent of improved roads.

SECTION 15. Before entering upon the improvement of any roads under the provisions of this act, the trustees of any such township shall employ some competent engineer or other competent person who shall be known as superintendent of improved roads, who shall be paid not more than four dollars per day for the time actually employed, out of the funds raised for the improvement of roads. He shall, before entering upon his duties, take and subscribe an oath or affirmation to faithfully and honestly discharge his duties, and shall give bond in the sum of five thousand dollars, payable to the trustees for the use and benefit of such township, conditioned that he will faithfully and honestly discharge his duties, all and singular, as superintendent of improved roads of such township; and the trustees shall receive two dollars ($2.00) per day for the time actually employed under the provisions of this act.

Duties of superintendent.

SECTION 16. It shall be the duty of the superintendent of improved roads of any such township to prepare all plans, profiles and specifications, and to determine the grades of any road about to be improved by the trustees of such township, when by them directed so to do; and all work done on such roads shall be under his supervision, and all materials shall be inspected by him, and both shall be subject to his approval. No payments shall be made for any work or materials except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties interested estimates for work done and materials furnished at such times as the contracts may provide, and may employ such assistants as he may require, who shall receive such reasonable compensation as the township trustees may allow.

Issue of bonds.

SECTION 17. For the purpose of providing the money necessary to meet the expenses of improving such roads, the trustees of any such township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding twenty-five (25) years, in sums of five hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; but such bonds shall not be sold for less than their par value, and the aggregate amount of the bonds of any such township at any one time outstanding shall not exceed thirty thousand dollars. The sale of all such bonds shall be advertised for at least thirty days, and the same shall be sold to the highest bidder.

Levy of tax for improvement of roads.

SECTION 18. When the trustees of any such township have determined to improve any road or roads, as herein provided, in order to provide for the payment of such improvement, and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law, levy

annually, upon each dollar of the valuation of all the taxable property of such township, including that part of any incorporated village which lies in such township, an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year, until all the roads by such commissioners designated for improvement have been improved as herein provided, and the bonds issued for that purpose, together with the interest thereon have been paid.

Collection of taxes.

SECTION 19. The trustees of any such township shall cause the amount of the taxes by them levied each year, under section eighteen of this act, to be certified to the auditor of the county in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township (including that part of any incorporated village which lies in such township), and the same shall be collected by the county treasurer in like manner as other taxes are collected.

Repair of roads.

SECTION 20. The trustees of any such township shall provide for the keeping in repair of such improved roads, and for that purpose the provisions of sections 4891, 4892 and 4894 of the Revised Statutes are made applicable to such townships.

Levy of tax for repair of roads.

SECTION 21. To provide a fund for the keeping in repair of such improved roads the trustees of any such township may levy, annually, an amount not exceeding one-half of one mill upon each dollar of the valuation of all the taxable property of such township, including that part of any incorporated village which lies in such township in addition to the other road taxes by them levied.

Duties and compensation of township treasurer.

SECTION 22. The treasurer of any such township shall receive and disburse all moneys arising from the provisions of this act. He shall receive as compensation therefor one per centum of the first ten thousand dollars, or less sum disbursed by him in any one year, and one-half of one per centum upon any amount in excess of ten thousand dollars, to be paid out of the township fund, and he shall receive no other compensation for services under this act.

Taxes for certain purposes not to be levied by county commissioners.

SECTION 23. No taxes or assessments shall be levied upon any property in such township (including that part of any incorporated village which lies in such township), by the county commissioners of the county in which it is located, under the provisions of chapters six, seven and eight of title seven of the Revised Statutes of Ohio, after any of the public roads thereof have been improved under the provisions of this act.

SECTION 24. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
419G

[House Bill No. 1851.]

AN ACT

To amend section 6946 of the Revised Statutes as amended February 15, 1888 (O. L. vol. 85, page 19).

Offenses against public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6946 of the Revised Statutes be amended so as to read as follows:

Prohibiting sale of intoxicating liquors and keeping of houses of ill fame at certain places.

Sec. 6946. Whoever sells intoxicating liquors, or keeps a house of ill fame, at or within twelve hundred yards of the administration or main central building of the Columbus asylum for the insane, Dayton asylum for the insane, Athens asylum for the insane, Toledo asylum for the insane, soldiers' and sailors' home, or of the institution for feeble-minded youth, or the Ohio soldiers' and sailors' orphans' home, or within two hundred and fifty yards of the grounds of the deaf and dumb asylum, or within two miles of the boundary line of the boys' industrial school, south of Lancaster, Fairfield county, or within two miles of the place where any agricultural fair is being held, or within one mile of any county children's home of any county of the state, situate within one mile of any incorporated village or city, in which the sale of intoxicating liquors is prohibited by an ordinance of such village or city made in pursuance of the act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed March 11, 1887, shall be fined not more than one hundred or less than twenty-five dollars, or imprisoned not more than thirty days, or both. And on conviction of the owner or keeper thereof, the place wherein such intoxicating liquors are sold, shall, by order of the court, be shut up and abated as a nuisance.

Repeals.

SECTION 2. The said amended section 6946, as amended February 15, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
420G

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[House Bill No. 1853.]

AN ACT

Consenting to the purchase by the government of the United States of certain lands in the city of Lima, Ohio.

Consenting to purchase by United States of site for public building in Lima.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the consent of the state of Ohio is hereby given to the purchase, by the United States, of the following described lands, situated in the city of Lima, Ohio, to-wit: So much of in-lots number one hundred and forty-seven (147),

one hundred and forty-eight (148), one hundred and forty-nine (149), and one hundred and fifty (150), in the original plat of the town now city of Lima, Ohio, as may hereafter be selected by the proper officer, or officers, of the United States government, for the purpose of erecting thereon a public building for a custom-house, post-office, and other government purposes, and the said United States government shall have the right to purchase, receive title to in fee simple, hold, use, occupy and own the said land whenever so selected and purchased, and exercise jurisdiction and control over the same absolutely, subject to the restrictions hereafter mentioned.

Jurisdiction ceded.

SECTION 2. The jurisdiction of the State of Ohio in and over the said lands mentioned in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States and the acts of congress in pursuance thereof made and provided, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands.

Lands to be exempt from taxation.

SECTION 3. The lands so acquired, and the structures, improvements, and buildings thereon, shall be forever exempt from taxes imposed by this state or any municipal or other authority under it.

Certain rights of jurisdiction reserved.

SECTION 4. The right to execute the civil and criminal process of the state of Ohio or under its authority upon and within the lands so to be acquired by the United States, except so far as such process may affect the real or personal property of the United States, is hereby reserved by this state.

Acceptance of provisions of this act.

SECTION 5. The taking possession of the said land, or lands, or the acquiring title thereto shall be taken as an acceptance of the provisions of this act.

SECTION 6. That this act shall go into force and be in effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
421G

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[House Bill No. 1856.]

AN ACT

To authorize the council of cities of the second class, third grade *a*, to issue bonds for street improvements.

Cities third grade *a*, second class (Springfield), may issue bonds for street improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of said city, two-thirds of the whole number of members of council elected thereto concurring and declaring the

same to be necessary, be and it is hereby authorized and empowered to issue bonds of said city for the purpose of paying such part of the cost and expense of paving its streets, as to the council may seem equitable and just, not exceeding in the aggregate twenty-five thousand dollars, running for such length of time, not exceeding twenty years, and bearing such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as such council may determine, which bonds shall be designated street improvement bonds and shall be issued, advertised and sold in the manner provided by law, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which they are issued.

Levy of tax.

SECTION 2. For the purpose of paying the principal and interest of any bonds which may be issued under the authority of this act, as they mature, respectively, the council of such city is hereby authorized and empowered to levy annually, upon all the taxable property within such city, not to exceed one-half of one mill in any one year, upon each dollar of the valuation thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
422G

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[Senate Bill No. 629.]

AN ACT

**For the relief of the persons herein named, and to authorize the governor to convey to said persons certain real estate herein described.**

Preamble.

WHEREAS, Chas. J. Akroyd, John Atwood, Mary Adams, Caroline Brill, W. E. Cox, Lee Trago, Jos. F. Smith, Jas. M. Smith, Mary E. McCoy, Geo. Copeland, Geo. King, J. P. Bryant, Mrs. Libbie Bryant, Jerry Compton, Adin Harper, Richard Lacy, Sarah E. McCoy, Margaret A. Perkins, Nelson Perkins, John Robinson, E. P. Evans, Hamilton Meeks, Ed. F. Egans, Ann Graham, H. E. Bown, Wm. Heinman, Henry A. Parke, A. A. Greiner, W. H. Brennan. Elizabeth Richcreek, J. C. and J. B. McFarland, Mary Walker, Chas. Vickers, Wm. Spicer, Mary J. Hariman, Henry Stradley, O. H. Parke, Jos. Varley, Chris. Mattingly, Peter Schaumleffel, Samuel Geyer, Henrietta M. Frey, Austin Stradley, O. P. McGinnis, Maria Endsley, Melvin Porter, Mortin Cooper, Mortin Huffman, Chas. Huffman, Anna A. Cox, are the owners of certain parcels of real estate—which parcels, as a whole, are hereinafter described; and

WHEREAS, The said real estate was conveyed by the state of Ohio to Stephen R. Hosmer prior to September 16, 1839; and

WHEREAS, Said persons claim title under said Hosmer, and they and their grantors paid full value for said land, and have all received conveyances therefor from persons who traced title to said Hosmer; and they and their grantors have been paying taxes on their said several portions of said land for over fifty years; and

WHEREAS, There is no record of the deed from the state of Ohio to said Hosmer, although the land was transferred on the tax duplicate from the state of Ohio to him by the auditor of Muskingum county September 16, 1839, and the record of said transfer recites that the same was made by deed; and

WHEREAS, Said Hosmer is dead and said deed to him can not be found; now, therefore,

Surrender of claim of state to certain lands in Muskingum county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all title or claim of the state of Ohio to the following described real estate, to-wit: Situated in Muskingum county and state of Ohio, and described as follows: Lots numbered 23, 24, 25, 36, 37, and 37 $\frac{44}{100}$ acres to be taken off the west end or side of lot number 38 by a line running parallel with the west side of said last mentioned lots; being subdivisions of and part of the first quarter, 3d township and 8th range, United States military land, in Muskingum county, and which was conveyed to the state by James B., Alex. H. and David W. Mathews, by deed bearing date November 28, 1828, in the county and state aforesaid, is hereby surrendered; and that Chas. J. Akroyd, John Atwood, Mary Adams, Caroline Brill, W. E. Cox, Lee Trago, Jos. F. Smith, Jas. M. Smith, Mary E. McCoy, Geo. Copeland, Geo. King, J. P. Bryant, Mrs. Libbie Bryant, Jerry Compton, Adin Harper, Richard Lacy, Sarah E. McCoy, Margaret A. Perkins, Nelson Perkins, John Robinson, E. P. Evans, Hamilton Meeks, Ed. F. Egans, Ann Graham, H. E. Bown, Wm. Heinman, Henry A. Parke, A. A. Greiner, W. H. Brennan, Elizabeth Richcreek, J. C. and J. B. McFarland, Mary Walker, Chas. Vickers, Wm. Spicer, Mary J. Hariman, Henry Stradley, O. H. Parke, Jos. Varley, Chris. Mattingly, Peter Schaumlefflel, Samuel Geyer, Henrietta M. Frey, Austin Stradley, O. P. McGinnis, Maria Endsley, Melvin Porter, Mortin Cooper, Mortin Huffman, Chas. Huffman, Anna A. Cox, each hold the several portions of said real estate which they now own free from any and all claim of the state of Ohio thereto, and the title of said parties to their said several portions be, and the same is quieted, as against the claim of the state of Ohio growing out of the loss or absence of said deed from said state to Stephen R. Hosmer.

Governor authorized to execute deeds.

SECTION 2. The governor of Ohio is hereby authorized to execute and deliver, on behalf of the state of Ohio, to each of said parties, a deed for such portion of said real estate as each now owns.

Mortgages, etc., not affected by this act.

SECTION 3. No mortgage or other lien or claim held by any person against any of said land, or any owner or former owner thereof, shall in any way be affected or impaired by this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
423G

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[Senate Bill No. 648.]

AN ACT

To provide for cleaning out and equalizing the grade of the Kirkersville feeder to the Licking reservoir.

Preamble.

WHEREAS, The Kirkersville feeder to the Licking reservoir, beginning at the state dam across Licking, and extending about five miles to said reservoir, is an indispensable feeder to the Ohio canal; and

WHEREAS, The grade of the bottom of said feeder is unequal, and said feeder has in places become filled with soil from adjoining lands; during heavy rains said adjoining farm lands are so overflowed as to destroy crops and injure the lands; therefore,

Improvement of Kirkersville feeder to Licking reservoir.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and is hereby directed to expend any sum not exceeding three thousand dollars ($3,000) or so much thereof as may be necessary for the purpose of cleaning out and equalizing the grade of the Kirkersville feeder to the Licking reservoir to be paid from the appropriation made for the northern division of the Ohio canal for current year.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
424G

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[Senate Bill No. 717.]

AN ACT

To provide for the reproduction of the portrait of ex-Governor Tod, recently damaged by fire, and the repair of the picture of Perry's victory damaged by falling glass.

Appropriation for reproduction and re-

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of two hundred dollars be appropriated, out of the general revenue fund, for the purpose of reproducing the portrait of ex-Governor Tod, recently damaged by

fire, and for the repair of the picture of Perry's victory, and for the care, and repair of all pictures the property of the state. Said money shall be paid out upon vouchers duly approved and allowed by the adjutant-general.

SECTION 2. This act shall take effect and be in force, from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
425G

# LOCAL AND SPECIAL LAWS.

## EXTRAORDINARY SESSION.

[Senate Bill No. 53.]

### AN ACT

**To authorize the trustees of Burton township, Geauga county, to take down and reconstruct the town hall in said township, and to issue bonds to fund the expense incurred in so doing.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whereas, the town hall in the township of Burton, Geauga county, by reason of faults in the construction, is in a dangerous condition, and is liable to fall at any time, doing great damage to life and property. Therefore, the trustees of said township are hereby authorized to take said building down, and to levy a tax upon all the taxable property of said township to pay the expense incurred in so doing.

SECTION 2. The said trustees are also hereby authorized to submit the question of reconstructing said town hall to the electors of the said township at the next spring election and at any general election thereafter, first having given ten days' notice of their intention so to do, by publication in any newspaper published in said township. Those who vote in favor of reconstruction shall have printed or written upon their ballots the words, "Town hall—Yes;" and those who vote against said reconstruction shall have printed upon their ballots the words, "Town hall—No." If a majority of the electors voting upon this question shall vote "Town hall—Yes," then it shall be the duty of said trustees to proceed to reconstruct said town hall.

SECTION 3. That for the purpose of carrying out the provisions of the foregoing sections, the said trustees are authorized to levy such tax as they may deem necessary, not exceeding one and one-half mills on the dollar of valuation of the taxable property of said township in any one year, and for not exceeding twenty years. In anticipation of the collection of such tax they may issue the bonds of said township, running from one to twenty years, at a rate of interest not exceeding six per cent., payable annually, to be disposed of at not less than par, and in the aggregate not to exceed the amount to be realized by the levy named.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed October 17, 1890.

1L

[Senate Bill No. 383.]

AN ACT

To authorize the incorporated village of Monroeville, Ohio, to issue bonds and levy a tax, the money arising from the same to be used for the purposes of the purchase or appropriation of real estate for electric light or gas plant, the enlargement and development of manufacturing facilities, and the grading, macadamizing or paving of public streets and other public uses in said village of Monroeville.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Monroeville, in the county of Huron, Ohio, be and the same is hereby authorized to issue the bonds of said village in amount not exceeding twenty thousand dollars ($20,000), as hereinafter provided, for the purposes following, to-wit: To purchase or appropriate real estate for electric light or gas plant, the enlargement and development of manufacturing facilities and the grading, macadamizing or paving of public streets and other public uses in said village of Monroeville.

SECTION 2. Said bonds shall be of such denominations, payable at such times not less than five years from the date of issue, and bear interest at such rate not exceeding six per cent., payable semi-annually, as the council of said village may direct, but said bonds shall not be sold for less than their par value.

SECTION 3. For the purpose of paying said bonds and the interest thereon as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village in addition to that authorized by law, to such amount each year as shall be necessary to the payment of the principal and interest of said bonds.

SECTION 4. No part of said money shall be appropriated by the council of said village for any of the above purposes, unless the "board of industry" of said village, through its duly authorized executive officers, first recommend such expenditure.

SECTION 5. Before the said council shall have authority to issue said bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said village at a regular or special election held for that purpose; such election shall be held in the same manner and at the same place where elections are usually held in said village; notice thereof shall be given by publication in a newspaper printed in or of general circulation in said village for two consecutive weeks prior to said election, and the date of the last publication thereof shall be deemed to complete such publication. Those electors who favor the issue of such bonds and the levy of such tax shall have written or printed on their ballots the words "Issue of bonds—Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words, "Issue of bonds—No." And if two-thirds of the votes cast upon the question at such election are in favor of the issue of such bonds, the council of said village shall be authorized to issue said bonds and make said levy, subject to the provisions of section four (4) of this act, for the purposes aforesaid.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WILLIAM V. MARQUIS,
*President of the Senate.*

Passed October 24, 1890.
2L

## ADJOURNED SESSION.

[House Bill No. 951.]

### AN ACT

**To provide for the payment of district assessors in cities of the first grade of the first class by the federal census of 1880.**

WHEREAS, Owing to the increased duties attending the valuation of real property in Hamilton county, by reason of the many new subdivisions of lands therein and for other causes, it was impossible for the district assessors and their assistants to complete the work in the manner designated in the law by the first Monday in July; and

WHEREAS, In order to complete the duties undertaken by them, and for the proper production of the duplicate, it has been necessary for them to work beyond the time set forth in the law; now in order that the assessors and their assistants may be compensated for each day necessarily employed in the performance of the duties developing [devolving] upon them since the first Monday of July, 1890, and not later than the 30th day of September;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county be and they are hereby authorized to borrow a sum not exceeding $20,000.00 to pay for services of district assessors and their assistants [mentioned] in the preamble preceding this act, necessarily worked beyond the time authorized by the statutes governing their actions.

SECTION 2. For the payment of said loan the said county commissioners may issue bonds in a sum not exceeding the amount named in the first section of this act, said bonds to be payable in ten years from the 15th day of January, 1891, with interest not exceeding 4½ per cent., payable semi-annually, and to be of a denomination of $500 each Any surplus from this fund, left after payment of said services, shall be transferred to the county fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
3L

[House Bill No. 976.]

AN ACT

To authorize the council of the incorporated village of Tippecanoe, Miami county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Tippecanoe, Miami county, Ohio, be and are hereby authorized to transfer seven hundred dollars, from the street fund to the light fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
4L

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[House Bill No. 979.]

AN ACT

To authorize the commissioners of Trumbull county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Trumbull county, Ohio, be and they are hereby authorized to transfer any sum not to exceed six thousand dollars ($6,000) from the poor fund to the bridge fund of said county.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
5L

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[House Bill No. 981.]

AN ACT

To authorize the council of the incorporated village of Olmsted Falls, Cuyahoga county, Ohio, to issue bonds for the purpose of sinking wells for natural gas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Olmsted Falls, Cuyahoga county, Ohio, be and it is hereby authorized to issue bonds of said village not exceeding ($1,500) fifteen hundred dollars, bearing interest not exceeding 6 per cent. per annum, payable annually, for the purpose of providing funds to defray the expenses of sinking wells for natural gas; provided, however, that no bonds shall be issued or tax levied under the provisions of this act, until the question of issuing said bonds shall have been submitted to the qualified electors of said village, at an election to be held

at such time after the passage of this act as the village council may determine, and ten days' notice of such election and submission shall be given by the mayor of said village by posting notices of such election and submission in five of the most public places in said village, stating the amount of bonds to be issued, and the purpose for which they are to be issued, and the time and place of holding such election; and if a majority of the electors voting at such election upon the question of issuing said bonds, vote in favor thereof, then the said bonds may be issued and the said tax levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words "For the issue of bonds;" and those voting against the same, the words "Against the issue of bonds."

SECTION 3. The principal of said bonds shall be payable at such places and at such times not exceeding ten years from date of issue, as the council of said village may, by ordinance, determine, and the council of said village is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest.

SECTION 4. Said bonds shall be issued in such sums as the village council of said village may, by ordinance, determine, and shall be signed by the mayor, and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
6L

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[House Bill No. 1017.]

## AN ACT

To change the name of William Henry Sedley Brown.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of William Henry Sedley Brown, a resident of Trumbull county, Ohio, be and the same is hereby changed to that of William Henry Sedley.

SECTION 2. This act shall take effect and be in full force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
7L

[House Bill No. 1018.]

AN ACT

To authorize the council of the village of Niles, Trumbull county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Niles, Trumbull county, Ohio, be empowered to transfer fifteen hundred dollars ($1,500) from the general fund and twenty-five hundred dollars ($2,500) from the police fund; into the fire fund, thirty-two hundred dollars ($3,200), and eight hundred dollars into the street fund of said village.

SECTION 2. This act shall be in full force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
8L

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[House Bill No. 1019.]

AN ACT

To authorize the council of the village of Newton Falls, Trumbull county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Newton Falls, Ohio, be and it is hereby authorized to transfer the sum of three hundred eighty and $\frac{62}{100}$ dollars ($380\frac{62}{100}$) from the police fund to the fire fund of said village.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
9L

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[House Bill No. 1020.]

AN ACT

To authorize the township trustees of Montgomery township, Marion county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Montgomery township, Marion county, Ohio, be and they are hereby authorized to transfer the sum of nine hundred dollars ($900) from the cemetery fund to the township fund.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
10L

[House Bill No. 1023.]

## AN ACT

**To authorise the council of the village of Lockland, Hamilton county, Ohio, to transfer certain funds.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Lockland, Hamilton county, Ohio, be and is hereby authorized to transfer five hundred dollars ($500) from the fire fund of said village to the library fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 16, 1891.
11L

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[House Bill No. 975.]

## AN ACT

**To amend an act passed March 25, 1890 (87 O. L., pp. 474 and 475), entitled "An act to authorize the village council of the village of Van Wert, Ohio, to issue bonds to complete the system of water-works in course of construction in said village."**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Van Wert, in Van Wert county, and state of Ohio, be and is hereby authorized and empowered to issue the bonds of said village in addition to the amount heretofore by law authorized to be issued, in any sum necessary to complete said system of water-works in said village, but in no case exceeding sixty thousand dollars, bearing interest at a rate not exceeding five (5) per cent. per annum, payable semi-annually, and be of such denominations as the village council shall by ordinance prescribe; and said bonds shall be made payable within thirty years from the date of their issue, and shall not be sold for less than par in cash; the money arising from the sale of said bonds shall be used for the purpose of completing in such manner as may be found necessary, the system of water-works now in course of construction in and for said village, and for no other purpose or use whatsoever; the said bonds shall be signed by the mayor and countersigned by the clerk and under the seal of said village, and when said bonds are sold the proceeds shall be paid to the treasurer of said village, who shall hold and disburse said proceeds as other village funds are by him held and disbursed.

SECTION 2. When such bonds of said village are issued as hereinbefore provided, it shall be the duty of the village council of such municipal corporation, annually thereafter, until the same and the interest thereon shall be fully paid, to assess and levy a tax on all the taxable property of said corporation sufficient to provide for the payment of the interest accruing upon the bonds so issued, and to create a sinking fund for the payment of the principal of the bonds as they fall due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
12L

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[House Bill No. 1031.]

AN ACT

To authorize the board of county commissioners of Fayette county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Fayette county, Ohio, be and said board is hereby authorized to transfer from the poor fund of said county to the building fund thereof, the sum of ten thousand dollars.

SECTION 2. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
13L

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[House Bill No. 1033.]

AN ACT

To authorize the county commissioners of Huron county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Huron county, Ohio, be and they are hereby authorized to transfer permanently from the temporary loan fund of said county to the general county fund thereof, the sum of eighty-one and $\frac{9}{100}$ dollars ($81.09).

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
14L

[House Bill No. 1038.]

AN ACT

To change the name of Ernst C. Kurzhals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Ernst C. Kurzhals, a resident of Lawrence county, Ohio, be and the same is hereby changed to that of Charles Kurtz.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
15L

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[House Bill No. 1039.]

AN ACT

Supplementary to an act entitled "An act to authorize the board of education of Belle Centre union school district, of Logan county, Ohio, to issue bonds for the purpose of purchasing a site and erecting and furnishing a school building for said district," passed March 12th, 1890 (O. L., vol. 87, p. 434).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Belle Centre union school district, of Logan county, Ohio, be and the same is hereby authorized to issue bonds of said district, in addition to the bonds authorized by the act to which this is supplementary, and in the sum of twenty-five hundred dollars, and in denominations of five hundred dollars each, bearing interest at the rate of six per cent., payable semi-annually, on the first days of March and September, for the purpose of completing and furnishing the new school building in said district.

SECTION 2. Said bonds shall be made payable at the People's national bank of Bellefontaine as follows: $500.00 on the 1st day of September, 1907; $500.00 on the 1st day of March, 1908; $500.00 on the 1st day of September, 1908; $500.00 on the 1st day of March, 1909, and $500.00 on the 1st day of September, 1909, and shall be sold according to law and for not less than their par value, and shall be signed by the president and clerk of said board of education.

SECTION 3. That for the purpose of paying the interest and principal of the bonds herein authorized to be issued, said board of education is authorized to extend the levy provided for in said act to which this is supplementary until such time as the said bonds and interest are fully paid.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
16L

[House Bill No. 1050.]

AN ACT

To authorize the village of Arcanum, Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Arcanum, Darke county, Ohio, be, and the same is hereby authorized and empowered to transfer any sum not exceeding eight hundred dollars from the general fund to the fire and building fund of said village.

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
17L

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[House Bill No. 1054.]

AN ACT

To authorize the council of the incorporated village of Clarksville, Clinton county, Ohio to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Clarksville, Clinton county, Ohio, be and is hereby authorized to transfer the sum of three hundred dollars from the police fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
18L

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[House Bill No. 1055.]

AN ACT

To authorize the commissioners of Perry county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Perry county, Ohio, be and the same are hereby authorized to transfer from the court-house and jail fund of said county to the county fund thereof, the sum of four thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 22, 1891.
19L

[House Bill No. 977.]

AN ACT

To authorize the incorporated village of Wadsworth, Medina county, Ohio, to issue bonds, to borrow money to be used in developing a salt mine underlying said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Wadsworth, of Medina county, Ohio, be and said council is hereby authorized and empowered to borrow money, issue the bonds of said village and sell the same, not to exceed seven thousand dollars in amount, and to use the proceeds thereof in purchasing or leasing grounds, and in drilling or making an opening for the development of a mine of salt underlying said village, and providing for the manufacture of salt when so developed.

SECTION 2. Such bonds shall be in such sums, and payable at such time or times, not exceeding twenty years, as said council shall determine, shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be authenticated by the seal thereof, and a complete record of the same shall be kept by the clerk.

SECTION 3. For the payment of said bonds and the interest thereon, said council shall levy a tax in addition to the amount otherwise authorized, every year during the time said bonds have to run, sufficient in amount each year, to pay the bonds falling due that year and the accruing interest thereon.

SECTION 4. Before any bonds are issued or tax levied as provided by this act, the question of issuing the bonds shall be submitted to the qualified electors of said village, at an election to be held at such time after the passage of this act as the council of said village may determine, and said council shall publish notice of the submission of such question, in a newspaper published in said village, for at least ten days prior to said election, stating the amount of bonds proposed to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if a majority of the electors, voting at such election upon the question of issuing said bonds, shall vote in favor thereof, then the bonds may be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots the words, "For the issue of bonds," and those voting against the same the words, "Against the issue of bonds."

SECTION 5. No more of said bonds shall be issued or sold than is required for procuring the necessary grounds, and drilling or making an opening for the development of the salt mine named in this act, and for the purpose of fully providing for the manufacture of salt therefrom when so developed, and all moneys arising from the sale of such bonds shall be exclusively applied to the purposes aforesaid.

SECTION 6. If the majority of the electors voting at said election shall vote in favor of said proposition, the council shall as soon as convenient, advertise in at least two newspapers published in said county, for a period of not less than three weeks, for sealed bids for the sale of said bonds, and shall award the same to the highest bidder; provided, that said council may reserve the right to reject any or all of said bids, and they may if they think proper sell said bonds in lots or in gross, and in case of rejection of bids, they may, if necessary, proceed to readvertise until a sale is effected as by this section provided.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 27, 1891.
20L

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[Senate Bill No. 376.]

AN ACT

To change the name of Robert Siefert, of Franklin county, state of Ohio, to Robert Merkle.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Robert Siefert, of Franklin county, Ohio, be and the same is hereby changed to the name of Robert Merkle.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed January 28, 1891.
21L

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[House Bill No. 932.]

AN ACT

To authorize the board of education of Crane township, Paulding county, Ohio, to issue bonds to supply deficiency.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Crane township, Paulding county, Ohio, be and are hereby authorized to issue and sell the bonds of said township in the sum of nine hundred ($900.00) dollars, for the purpose of supplying deficiency, created by the defaulting treasurer of said township. Said bonds shall be of such denomination as the board of education of said township may determine and shall be payable in March, 1892, shall bear a rate of interest not exceeding six per cent. and shall be issued and sold according to law.

SECTION 2. The board of education of said township are authorized to levy a tax annually on all the taxable property of said township sufficient to pay the principal and interest on said bonds as the same may become due. But nothing in this act shall be construed to relieve the bondsmen of said defaulting treasurer.

SECTION 3. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 29, 1891.
22L

[House Bill No. 945.]

AN ACT

To divide Jefferson township, Mercer county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Jefferson, in the county of Mercer, be and the same is hereby divided into two election precincts for all election purposes authorized by law, as follows: All that portion of Jefferson township lying east of Main street in Celina, Ohio, and the extension of said street north on the Maurer pike to the north line of said Jefferson township, and the extension of said Main street on the township line pike to the south line of said Jefferson township, shall be known as East precinct with place of holding elections at Celina, Ohio, and all that portion of said Jefferson township lying west of the above described line shall be known as West precinct, with place of holding elections at Celina, Ohio, in said township.

SECTION 2. This act shall take effect and be in force from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 29, 1891.
23L

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[House Bill No. 962.]

AN ACT

To authorize the board of education of the village school district of Fayette, Fulton county, Ohio, to levy an additional tax to carry on the schools therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of the village of Fayette, Fulton county, Ohio, be and are hereby authorized to levy a tax for the years 1891, 1892, 1893, 1894 and 1895 on all the taxable property within said school district, not exceeding eight mills on the dollar for each year in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 29, 1891.
24L

[House Bill No. 1110.]

AN ACT

To authorize the Aberdeen special school district to make additional levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Aberdeen special school district is hereby authorized to levy each year for school purposes in addition to that now authorized by law, a sum not to exceed seven mills on the dollar of valuation.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 29, 1891.
25L

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[House Bill No. 1143.]

AN ACT

To authorize the council of the incorporated village of Ripley, Brown county, to issue bonds for the purpose of buying additional engine-houses, and to improve the fire department of said village, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Ripley, in Brown county, be and the same is hereby authorized and empowered to issue and sell the bonds of said village at private sale, not to exceed the sum of four thousand dollars, for the purpose of purchasing grounds and buildings, or of purchasing grounds and erecting thereon building, to improve the fire department of said village, and to furnish additional engine-houses for the same. Such grounds and buildings shall be purchased in such manner, upon such terms and at such points in said village, as said council may direct, not exceeding, however, the total expenditures for said purposes, the amount herein authorized to be issued in bonds. Said bonds shall be issued in such denominations, and be made to mature at such times, as said council may by ordinance or resolution perscribe; they shall bear interest at a rate not exceeding six per cent., payable semi-annually, and shall not be sold for less than par; they shall be signed by the mayor and clerk of said village under the corporate seal thereof. Such parts of the grounds and buildings to be acquired or erected under the authority of this act, as shall not be needed for the purposes aforesaid, may be leased by said council for such period, not exceeding five years at one time, and upon such terms, and to such person or persons, as said council shall deem best, to be determined by resolution.

SECTION 2. For the purpose of paying said bonds and the interest thereon, as the same may mature, said council is hereby authorized to levy a tax not exceeding one mill on the dollar on all the taxable property of said village in addition to the amount otherwise allowed by law, to be collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 29, 1891.
26L

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[House Bill No. 1144.]

AN ACT

To authorize the commissioners of Highland county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the state of Ohio,* That the county commissioners of Highland county be and are hereby authorized to permanently transfer from the infirmary fund of said county the sum of five thousand ($5,000) dollars to the county fund, and from the building fund of said county the sum of three thousand ($3,000) dollars, to the county fund. From the children's home fund of said county the sum of two thousand five hundred ($2,500) dollars to the bridge fund, and from the road improvement fund of said county the sum of two hundred and seventeen and $\frac{50}{100}$ ($217.50) dollars to the bridge fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 29, 1891.
27L

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[House Bill No. 461.]

AN ACT

To provide for payment of local bounty to Solomon Fish, color-bearer of the 121st regiment Ohio volunteer infantry.

WHEREAS, On the 11th day of September, 1862, Solomon Fish, a resident of Union county, Ohio, enlisted in company "C," 121st O. V. I., in the county of Delaware, and at the time requested the recruiting officer to accredit him to said county of Delaware, and believed he had been so accredited; that the said recruiting officer so recruiting him failed and neglected to accredit him to said county of Delaware, or of Union, or to any county, city, township, or ward in the said state of Ohio, as shown by the muster and description rolls of said regiment; and

WHEREAS, The commissioners of said county of Delaware, at the time of the enlistment of said Fish as aforesaid, offered and were paying to all volunteers enlisting, and who were duly accredited to said county of Delaware, the sum of twenty-five dollars local bounty, and by reason of the failure and neglect of said recruiting and mustering officer so enlisting and mustering him, to duly accredit him to said county of Delaware, or to

any county, township, city, or ward, or to the state at large, he is deprived of obtaining said bounty, and is wholly without relief; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Delaware county, Ohio, are hereby authorized to pay Solomon Fish the sum of twenty-five dollars, with interest at six per cent. from the 11th day of September, 1862, out of any money in the county treasury to the credit of the general fund.

SECTION 2. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
28L

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[House Bill No. 700.]

AN ACT

To create a joint sub-school district in Washington township, Franklin county, Ohio, and Jerome township, Union county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory comprised in Washington township, Franklin county, Ohio, and in Jerome township, Union county, Ohio, bounded and described as follows, to-wit: Beginning at the north-west corner of William Graham's land in said Jerome township, Union county; thence with the south line of James Sweeney's land west to the center of the Crotinger free turnpike; thence with the center of said free turnpike south to the center of the road running through lands of James Sweeny and Charles Gorden; thence with the center of said road to the center of the Dublin and Marysville turnpike; thence with the center of said turnpike south to Charles Gorden's south line; thence with said line to the west line of Peter Scott's heirs' land; thence south to the center of the Post road; thence west with the center of said road to the west line of said Peter Scott's heirs' land; thence with said line south in a straight line to the center of the Friezelle road; thence with said road east to the east line of the land formerly owned by Joshua Friezelle, now Louis Ring's; thence with said line north to the south line of A. W. Graham's land; thence with said line west to Lewis Ring's east line; thence north with said line and the east line of Michael Ring's land to the center of the Dublin and Marysville free turnpike; thence east with said turnpike to the south-west corner of William Graham's land; thence with the west line of said land to the beginning; be and the same is hereby created and declared to be and to constitute a joint sub-school district.

SECTION 2. Such joint sub-school district shall be governed and controlled in all respects by such laws as now are or may hereafter be in force relating to joint sub-school districts, and shall be under the control and subject to the board of education of the township in which the school-house may be situated; provided, there shall be elected in the aforesaid sub-school district on the first Monday in April in the year 1891, three local directors, one to serve for one year, one for two years and one for three years, in the same manner as is provided by law; and provided

further, that the boards of education of each of the aforesaid townships shall, at a joint meeting thereof held for that purpose, by mutual agreement, establish the location of the school-house for said sub-school district and designate a site whereon to erect said building in accordance with the provisions of section 3928 of the Revised Statutes.

SECTION 3. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
29L

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[House Bill No. 961.]

AN ACT

To amend section two of an act entitled "An act to authorize the county commissioners of Franklin county to aid and assist the Franklin county ex-soldiers' and sailors' association to build a monument to the deceased soldiers and sailors of said county," passed March 10th, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of an act entitled an act to authorize the county commissioners of Franklin county to aid and assist the Franklin county ex-soldiers' and sailors' association to build a monument to the deceased ex-soldiers and sailors of said county, passed March 10, 1886, 83 vol. O. L., page 271, be amended so as to read as follows:

Sec 2. All plans and specifications of said monument shall be submitted to and approved by the board of commissioners of said county and the trustees of said association at a joint meeting to be held for that purpose, at such time and place as the commissioners may designate, and the construction of said monument shall be contracted for by said commissioners and said trustees acting jointly, and the same supervised by such person or persons as may be selected by said commissioners and said trustees. All bills of expense incurred in constructing said monument shall be paid out of said fund of ten thousand dollars, so far as the same may be sufficient therefor, but only upon vouchers approved by said commissioners and trustees. And any surplus of said ten thousand dollars remaining unexpended after the completion of said monument may be by said board of county commissioners and said trustees of said association acting jointly, expended in grading and beautifying the said lot upon which said monument may be located, in such manner as said board of county commissioners and said trustees may direct.

SECTION 2. Said original section 2 is hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
30L

[House Bill No. 1072.]

AN ACT

To authorize the village council of the incorporated village of Piketon, Pike county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Piketon, Pike county, Ohio, be and is hereby authorized to transfer any balance that may be in the sinking fund to the general fund of said village.

SECTION 2. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
31L

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[House Bill No. 1086.]

AN ACT

Authorizing the trustees of Harrison township, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Harrison township, Henry county, Ohio, are hereby authorized and empowered to transfer two hundred and fifty dollars ($250.00) from the bridge fund to the road fund of said township.

SECTION 2. This act shall take effect on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President the Senate.*

Passed January 30, 1891.
32L

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[House Bill No. 1108.]

AN ACT

To authorize the trustees of Wellington township, Lorain county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Wellington township, Lorain county, Ohio, be and the same are hereby authorized to transfer from the town hall fund the sum of nine hundred and forty-nine $\frac{89}{100}$ dollars to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
33L

[House Bill No. 1112.]

AN ACT

To change the name of Mary Sage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Mary Sage, a resident of Wooster, Wayne county, Ohio, be and is hereby changed to that of Mary Pittenger, but said change of name shall not in any way affect any of the rights, privileges or liabilities of said person.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
34L

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[House Bill No. 1113.]

AN ACT

To authorize the trustees of Miami township, Greene county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Miami township, Greene county, Ohio, be and are hereby authorized to transfer one thousand ($1,000.00) dollars from the general township fund to the town hall fund.

SECTION 2. This act shall take effect and be in force on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed January 30, 1891.
35L

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[Senate Bill No. 335.]

AN ACT

To change the name of George Julius Coppess, of Tiffin, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of George Julius Coppess, a resident of Tiffin, in Seneca county, Ohio, be and is hereby changed to that of George Julius Deinzer; but that said change of name shall not, in any way, effect [affect] any of the rights, privileges or liabilities of said person.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 2, 1891.
36L

[Senate Bill No. 344.]

AN ACT

To change the name of Clyde Eber Hinkle of East Richland, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Clyde Eber Hinkle, a resident of East Richland, Belmont county, Ohio, be and is hereby changed to that of Clyde Eber Vancuren.

SECTION 2. This act shall take effect from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 2, 1891.
37L

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[House Bill No. 715.]

AN ACT

To authorize the commissioners of Montgomery county, Ohio, to build a bridge across the Great Miami river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Montgomery county, Ohio, be and they are hereby authorized and empowered to build a bridge across the Great Miami river, at its intersection with the old Liberty road, in sections 16 and 30 in Miami township near what is known as the "Yeazel ford," and to construct the necessary approaches thereto, as the county commissioners may determine, and for the purpose of raising the money to build said bridge and construct said approaches, said commissioners are hereby authorized and empowered to issue the bonds of said county, not to exceed twenty thousand dollars, in sums not less than $100.00 nor more than $1,000.00 each, and said bonds shall be payable at such times as said commissioners may deem most advantageous, not exceeding seven years from the date of their issue, and said commissioners are authorized to negotiate and sell said bonds at not less than their par value; but the interest on said bonds shall not exceed six per cent. per annum.

SECTION 2. Said bonds shall be signed by the commissioners and countersigned by the auditor of said Montgomery county, who shall keep a record of all bonds issued under and by virtue of this act.

SECTION 3. For the purpose of paying the interest and principal of said bonds, said commissioners are hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax on the property subject to taxation in said county, outside the city of Dayton in said county, sufficient in amount to pay said interest and principal, and such tax shall be levied and collected in the same manner as other taxes are levied and collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 2, 1891.
38L

[House Bill No. 980.]

AN ACT

To authorize the commissioners of Paulding county, Ohio, to issue bonds, and to levy additional taxes to pay the same and for current expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Paulding county, be and they are hereby authorized to issue the bonds of said county, in amount not to exceed forty-five (45) thousand dollars, to pay existing indebtedness of said county, for the support of the poor, and for general county purposes; said bonds shall be issued at such time and in such sums as said commissioners may think proper, and shall be made payable at any time within ten years from their date; said bonds shall bear interest at a rate not to exceed six per cent. per annum, which interest shall be payable semi-annually, and when issued shall not be sold for less than par value.

SECTION 2. The commissioners of said county are hereby authorized each year to levy a tax in addition to that now authorized by law, not exceeding one and one-half mills on the dollar valuation on all the taxable property of said county, to pay said bonds and interest as they mature.

SECTION 3. The commissioners of said county are hereby authorized in the years 1891, 1892, 1893 and 1894, to levy a tax on all the taxable property of said county, for general county purposes, an amount not exceeding one mill on the dollar valuation each year in addition to the amount now authorized to be levied for said purpose, to meet the current expenses; the same to be entered upon the general duplicate of said county, and collected in the same manner as other taxes are collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 2, 1891.
39L

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[House Bill No. 1062.]

AN ACT

To authorize the county commissioners of Butler county, Ohio, to build a bridge over Four-Mile creek on what is known as the Elliott turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Butler county, Ohio, be and they are hereby authorized to construct a new bridge across Four-Mile creek, on what is known as the Elliott turnpike.

SECTION 2. For the purpose of providing the funds necessary for building said bridge said commissioners are hereby authorized to issue the bonds of said county for an amount not exceeding fifteen thousand dollars ($15,000), which said bonds may be made payable at any time not to exceed five years from the date of issue thereof, and shall bear interest not to exceed six per cent. per annum, payable semi-annually, and both principal and interest payable at the office of the county treasurer. Said

bonds shall have written or printed on them the date of the law under which they are issued, and the words "Four-Mile bridge bond;" said bonds to be sold under the requirements of section 7755—9, Revised Statutes.

SECTION 3. The commissioners of Butler county, Ohio, re hereby authorized and required to levy a tax on all the taxable property in said county, in addition to all other taxes authorized by law, in such amounts as will be necessary to meet the payment of said bonds and interest as they shall become due; which levy shall be placed on the duplicate by the county auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 2, 1891.
40L

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[House Bill No. 1171.]

AN ACT

To provide for the issue and sale of bonds to erect a school-house in Fredericksburg school district, Fredericksburg, Wayne county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of Fredericksburg, Wayne county, Ohio, be and is hereby authorized to borrow any sum not to exceed seven thousand dollars ($7,000), for the purpose of erecting a school-house building in said Fredericksburg school district in said village of Fredericksburg, Ohio.

SECTION 2. That for the purpose aforesaid, the said board of education are authorized to issue and sell bonds not exceeding seven thousand dollars ($7,000) to be signed by the president and attested by the clerk of said board, in sums not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; said bonds to be payable at such time or times, not exceeding eight (8) years from the respective dates thereof, as such board may determine; said bonds shall be sold for not less than their par value, and said bonds may in the discretion of the board, have interest coupons attached.

SECTION 3. The said board of education is hereby authorized to levy annually such an amount on all taxable property of said Fredericksburg school district, as will meet and pay the interest and principal on said bonds, as said interest and principal may become due, in the manner provided by law for the levying and collection of taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
41L

[House Bill No. 1169.]

AN ACT

To authorize the trustees of Newark township, Licking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Newark township, Licking county, Ohio, are hereby authorized to transfer the sum of five hundred dollars ($500.00), from the general township fund to the bridge fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
42L

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[House Bill No. 1163.]

AN ACT

To authorize the board of education of the village of Medina, Medina county, Ohio, to issue bonds for the purpose of furnishing school buildings and paying present indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of Medina, in the county of Medina, state of Ohio, be and is hereby authorized to borrow a sum of money not to exceed two thousand dollars ($2,000), for the purpose of furnishing the school buildings and paying the present indebtedness in said village district.

SECTION 2. That for the purpose of meeting the expense aforesaid, the said board is authorized to issue and sell the bonds of said village school district; said bonds to be signed by the president and attested by the clerk of said board, in denominations not to exceed five hundred dollars ($500) each, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually; said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof, as said board may determine, which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission, and that said bonds may, in the discretion of the board, have interest coupons attached, and said bonds and interest coupons may be made payable at any place designated in said bonds.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said board of education is hereby authorized and empowered to levy on all the taxable property of the said village school district a tax for such an amount annually not exceeding two mills above the maximum authorized by the general laws, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected, paid over to the treasurer of said village school district.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
43L

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[House Bill No. 1138.]

AN ACT

To change the name of Cecil Calvert Taylor, of Muskingum county, Ohio, to Cecil Calvert Norman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Cecil Calvert Taylor, a resident of Roseville, Muskingum county, Ohio, be and the same is hereby changed to Cecil Calvert Norman.

SECTION 2. That said change shall in no way affect the rights, privileges or liabilities of said person.

SECTION 3. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
44L

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[House Bill No. 1076.]

AN ACT

To authorize the village council of the village of Bryan, in Williams county, Ohio, to borrow money and issue the bonds of said village therefor, for the purpose of paying and discharging the present floating indebtedness of the fire department, and other indebtedness of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Bryan, in Williams county, Ohio, is hereby authorized and empowered to issue the bonds of said village in a sum not exceeding in the aggregate, three thousand five hundred dollars, for the purpose of raising money to pay the present floating indebtedness of said village, on account of its fire department, and other floating indebtedness; said bonds to be so issued in denominations of not less than one hundred nor more than five hundred dollars, and to bear interest at a rate not exceeding six per centum per annum, payable semi-annually, on February first and August first in each year; principal and interest payable at the treasury of said village; the principal at such times as the said council may determine, but in no case at a period longer than three years from the date of issue. Such bonds shall have attached thereto

interest coupons, and the bonds and coupons shall be signed by the mayor and attested by the clerk of said village and sealed with their respective seals; and shall not be sold for less than their par value. The proceeds of the sale of said bonds shall be used and applied to the payment and discharge of the aforesaid indebtedness, and to no other purpose whatever, provided, however; that if any surplus of said proceeds remains after so paying said indebtedness it shall go into or remain in the treasury of the said village to the credit of its fire department fund.

SECTION 2. To provide for the payment of the principal and interest of said bonds, it shall be the duty of said village council, and said council is hereby authorized and empowered to levy such tax from time to time, in addition to the taxes now authorized by law, as will meet and discharge said principal and interest at maturity; such tax to be levied and collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 4, 1891.
45L

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[House Bill No. 1101.]

AN ACT

To authorize the council of the village of Orrville, Ohio, to issue bonds and levy a tax the money arising from the same to be used for the purpose of aiding and encouraging manufacturing establishments in the said village of Orrville, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Orrville, in the county of Wayne, Ohio, be and the same is hereby authorized to issue the bonds of the said village, not exceeding $5,000.00, as hereinafter provided, for the purpose following, to-wit: To purchase grounds and improve the same for manufacturing establishments, and also in any other way that may be deemed expedient, to aid and encourage said establishments.

SECTION 2. Said bonds shall be of such denomination, payable at such times, and bear interest at such rate per cent., not exceeding six per cent., payable semi-annually, as the council of said village may direct, but said bonds shall not be sold for less than their par value.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all of the taxable property of said village, in addition to that otherwise authorized by law, to such amount each year as shall be necessary to the payment of the principal of said bonds.

SECTION 4. Before the said council shall have authority to issue bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said village at a regular or special election held for that purpose; such election shall be held in the same manner and at the places where elections are usually held in said village, notice thereof shall be given by publication in a newspaper printed and of general circulation in said village, for two consecutive weeks prior to said election; those

electors who favor the issue of such bonds and a levy of such tax, shall have written or printed on their ballots the words, "Issue of bonds—Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words, "Issue of bonds—No;" and if a majority of the votes cast at such election are in favor of the issue of such bonds, the council of such village shall be authorized to issue said bonds and make said levy for the purpose aforesaid.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 5, 1891.
46L

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[House Bill No. 1122.]

AN ACT

**To authorize the council of the incorporated village of Macksburg, Washington county, Ohio, to transfer certain funds.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Macksburg, Washington county, Ohio, be and the same is hereby authorized and empowered to transfer seventy-one dollars and six cents ($71.06) from the bond and interest fund of said village, and one hundred and forty-four dollars and two cents ($144.02) from the water-works fund of said village, amounting to two hundred and fifteen dollars and eight cents, to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 5, 1891.
47L

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[Senate Bill No. 343.]

AN ACT

To change the name of Elizabeth A. Hinkle, of East Richland, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Elizabeth Ann Hinkle, a resident of East Richland, Belmont county, Ohio, be and is hereby changed to that of Elizabeth Ann Vancuren; but that said change of name shall not in any way affect any of the rights, privileges or liabilities of said person.

SECTION 2. This act shall take effect from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 9, 1891.
48L

[House Bill No. 950.]

AN ACT

To authorize the council of the incorporated village of West Liberty, Logan county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of West Liberty, Logan county, Ohio, be and are hereby authorized to transfer one hundred and fifty dollars from the street improvement fund to the corporation fund, and one hundred and fifty dollars from the street improvement fund to the street light fund.

SECTION 2. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
49L

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[House Bill No. 1022.]

AN ACT

To authorize the board of education of the city of Mansfield, Richland county, Ohio, to borrow money and issue bonds for the purpose of building and furnishing a high school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Mansfield, Ohio, be and hereby is authorized to borrow any sum of money not exceeding thirty thousand dollars ($30,000.00) and issue bonds for the purpose of completing and furnishing a high school building in said city.

SECTION 2. Said bonds shall be in such denominations and payable at such times and place as said board of education may deem judicious, and shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value and accrued interest. Said board shall annually after the issuing of said bonds cause the necessary taxes to be levied to pay the interest on said bonds and the principal thereof, as the same shall become due; and said levy if necessary, may be in addition to that now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
50L

[House Bill No. 1056.]

AN ACT

To authorize the commissioners of Brown county to construct a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be and they are hereby authorized to build and construct a good and sufficient free turnpike on the Felicity and Feesburg road, beginning at the Clermont county line near the residence of Samuel Tatman, thence on said road to intersect the Bullskin road, thence on said road passing in front of Mt. Zion church, passing the residences of Daniel T. Bolander and Daniel F. Trout, to the crossing of the Cedron and Sims' run road, thence on said road passing the residence of Joshua Tatman, joining the Higginsport and Feesburg free turnpike road, near the mill of William M. White.

SECTION 2. Twenty per centum of the cost of the construction of said free turnpike shall be paid by a tax on all the taxable property within one mile of said free turnpike, and eighty per centum of the costs of the construction of said free turnpike shall be paid by a tax on all the taxable property of the county, and all other costs connected with the establishing and construction of said free turnpike shall be paid for by the county.

SECTION 3. The said commissioners shall determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten, and an equal part of said twenty per centum shall be levied and collected each year, and the said commissioners are authorized each year to make such levy upon all the taxable property within said taxing district, until the whole twenty per centum is fully paid; and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and they shall in like manner levy upon all the taxable property of the county the eighty per centum of the costs of said construction, so that the same will be paid in not less than five years nor more than ten.

SECTION 4. For the purpose of paying eighty per centum of the cost of the construction of said free turnpike road the commissioners are hereby authorized to issue the bonds of the county, bearing not to exceed six per cent. interest, payable at such times as the commissioners may determine, not exceeding ten years from the date thereof. Said bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
51L

[House Bill No. 1106.]

AN ACT

To authorize the trustees of Moorefield township, Clark county, Ohio, to sell and convey by deed certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Moorefield township, Clark county, state of Ohio, be, and they are hereby authorized to sell and convey by deed, conveying a fee simple title to the following described real estate, to-wit: Situated in the county of Clark, and state of Ohio, and in the township of Moorefield, and being part of the north-east quarter of section No. 9, town No. 5, range No. 9, M. R. S.: Beginning at the north-west corner of a lot conveyed to the board of trustees of Moorefield township, Clark county, Ohio, by John F. Yeazell and others by deed dated the 5th day of June, 1872, and recorded in volume No. 6, page 247, deed records Clark county, Ohio, running thence south with the west line of said lot, and the west line of a lot conveyed by Wm. H. Simpson to said board of trustees, one hundred and forty feet; thence east with the south line of the last named lot ten (10) feet; thence north parallel with the first described line one hundred and forty feet; thence west ten (10) feet to the place of beginning; and place the proceeds arising from such sale in the township treasury to the credit of the township fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
52L

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[House Bill No. 1124.]

AN ACT

To authorize the commissioners of Brown county to construct a free turnpike from Fayetteville to the Clinton county line near Blanchester.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be and they are hereby authorized to build and construct a good and sufficient free turnpike, beginning at the Fayetteville and Cincinnati turnpike at the bridge across the east fork of the Little Miami river, on the old road leading to Blanchester, and ending at the Clinton county line, provided, however, that the commissioners in locating said free turnpike, may depart from the line of the old road wherever they may think it advisable.

SECTION 2. That said commissioners shall, before proceeding to construct said road, or any one, or part of same, require and secure from those interested in said improvement a subscription or donation equal in amount to twenty per centum of the cost of said improvement to aid in the construction of the same; or, in lieu thereof, may cause those interested in said improvements to grade and culvert said road ready for the material for the same

SECTION 3. For the purpose of paying eighty per centum of the entire cost of the construction of said free turnpike road, the commissioners are hereby authorized to issue the bonds of the county, bearing not to exceed six per cent. interest, payable at such times as the commissioners may determine, not exceeding ten years from the date thereof. Said bonds shall not be sold for less than their par value.

SECTION 4. That so much of an act passed March 6, 1880, O. L. vol. 77, pages 328, 329 and 330, as applies to the road herein named, is hereby repealed.

SECTION 5. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
53L

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[House Bill No. 1140.]

AN ACT

To enable the commissioners of Preble county to purchase toll roads, or parts thereof, and convert the same into free roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Preble county, when in their opinion, the interests of the said county require the same to be done may, and they are hereby authorized and empowered to purchase any or all the toll roads, or parts of toll roads, within the said county, as hereinafter provided.

SECTION 2. So soon as may be after the passage of this act, the said commissioners shall make an order to that effect on their journal, and thereupon there shall be appointed three competent disinterested freeholders of said county in the manner following, to-wit: One by said commissioners, one by the directors of said road, and one by the probate judge, residents of said county; and said appraisers, after being duly qualified to faithfully discharge the duties required of them by law, shall, within twenty days after their appointment, proceed to personally inspect and examine as to the net profits of each road, and appraise all the toll roads in said county, together with the bridges and culverts thereon, at their actual value; and within forty days from the time of their appointment, said appraisers shall make and return in writing to said commissioners, the valuation or present worth in money of each of said roads, including the bridges and culverts thereon, but deducting therefrom the present value of bridge or bridges built by said county, or of any subscription or contribution made by said county toward the construction of the same; said report shall separately state the money value of each road-bed less the right of way of said road-beds, and the separate value of the bridges and culverts thereon.

SECTION 3. That upon the filing of said report by said appraisers, if the appraised value of said roads lying in said county shall be deemed reasonable, the commissioners shall submit to the owner or owners of said toll roads a proposition for the purchase of the same, at a price not to exceed such appraisal; and if such proposition is accepted, the said commissioners shall thereupon purchase the same, and take conveyance thereof from

such owner or owners; and to provide for the payment of said roads, said commissioners are hereby authorized to issue the bonds of the county at their par value, the payment of the same to be made in annual installments not to exceed seven years, and to bear a rate of interest, payable annually, not to exceed six per cent.; and thereupon said roads shall be declared free roads, to be kept in repair as hereinafter specified; and in any and all cases the commissioners of said county may reserve the right to reject the appraisement or award should they deem the same excessive and thereupon said commissioners may appoint another board of appraisers in the manner provided in section 2 of this act, who shall have the same power as the first board had.

SECTION 4. For the purpose of paying the bonds named in this act and interest thereon, the county commissioners are authorized and empowered to annually levy upon the grand duplicate of the county an amount which, in their opinion, may be sufficient for the payment of said bonds and interest thereon; and upon the conveyance of any of said roads or parts of roads from the owner or owners, the county auditor, for the purpose of keeping the said roads in repair, shall duly notify the township clerk of every township in which said roads so conveyed are located, and the township clerk shall immediately notify the township trustees, who shall have full charge and control of said roads within their townships, as provided in sections 4890, 4891, 4892, 4893, 4894, and 4895 of the Revised Statutes.

SECTION 5. Said appraisers shall receive their actual expenses and two dollars per diem for each day actually employed in the discharge of their duties.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
54L

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[House Bill No. 1178.]

AN ACT

To amend section 4 of the act entitled "An act to provide for acquiring land and building an armory in the county of Lucas, for the use of the Ohio national guard, and to create a fund to pay for the same," passed April 24th, 1890 (vol. 87, O. L., p. 598).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 of the above entitled act be so amended as to read as follows:

Sec. 4. That no money shall be expended on account of said armory building unless first authorized by said board of trustees, and upon its order to the county auditor certified by its chairman and clerk the county auditor shall issue his warrant upon the county treasurer, payable out of the fund hereinafter provided for, and in the manner and as provided in section nine (9) of the act entitled "An act to require the county commissioners in counties containing a city of the third grade of the first class to provide a depositary for the public money, and for other purposes," passed April 13, 1888 (vol. 85, O. L., pp. 243 to 249); and no trustee, or

person holding any appointment from said board, shall be interested directly or indirectly in any contract concerning said armory building.

SECTION 2. That said original section four (4) is hereby repealed; and this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
55L

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[House Bill No. 1179.]

AN ACT

To authorize the Aberdeen school district, Brown county, Ohio, to issue and sell bonds to pay off present indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Aberdeen school district, in Brown county, Ohio, be and it is hereby authorized to issue the bonds of said school district in any sum not exceeding seven hundred dollars, in denominations not exceeding two hundred dollars as the board of education of said district may determine, bearing interest at a rate not exceeding six per cent. per annum, payable annually, for the purpose of paying the indebtedness now existing against said school district.

SECTION 2. Said bonds shall be signed by the president of said board of education of said district, and countersigned by the clerk of said board, and shall not sell for less than their par value and accrued interest, and shall be sold at public sale. The principal shall be paid at such times as said board may determine by resolution within a period not exceeding two (2) years from the first day of September, 1891. And said board of education is hereby authorized to certify and levy a tax on the taxable property of said district, in addition to that now authorized by law sufficient to pay said bonds and the interest thereon, as the same becomes due.

SECTION 3. The funds realized from the sale of said bonds shall be used for the payment of the debts now existing against said school district, and for no other purpose.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
56L

[House Bill No. 1182.]

AN ACT

To authorize the council of the incorporated village of Collinwood, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Collinwood, Cuyahoga county, Ohio, be and it is hereby authorized and empowered to transfer from the police fund of said village as follows; To the street improvement fund, five hundred dollars; to the street lighting fund, five hundred dollars; to the general fund, five hundred dollars. And also to transfer from the public building fund, to the sanitary fund, the sum of two hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
57L

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[House Bill No. 1201.]

AN ACT

To change the name of William Whitmore.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William Whitmore, a resident of Stark county, Ohio, be and the same is hereby changed to that of William H. Huston.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
58L

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[House Bill No. 1221.]

AN ACT

For the relief of Solomon M. Darby.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the local directors of sub-district No. 3 of south Union township, Ross county, Ohio, and the clerk of said township, be and they are hereby authorized to issue their certificate and order on the treasury of said township to Solomon M. Darby for services as teacher in said sub-district, for the sum of one hundred and twenty dollars ($120.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
59L

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[House Bill No. 1226.]

AN ACT

To authorize the board of education of the city of Marietta, Washington county, Ohio, to borrow money for the purpose of purchasing the necessary real estate and constructing and equipping a school-house in said city, and to issue its negotiable coupon bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Marietta, Ohio, be, and it hereby is authorized to borrow a sum of money not exceeding thirteen thousand dollars ($13,000), for the purpose of purchasing the necessary real estate in said city, and of constructing thereon, and equipping a school-house, and for this purpose to issue its negotiable coupon bonds in sums of one thousand dollars or less, not exceeding said sum of thirteen thousand dollars ($13,000) in the aggregate, bearing interest at a rate not exceeding five per cent. per annum from the date of issue, payable semi-annually, the principal of said bonds shall be payable at such times and places as said board of education may by resolution determine, within a period of not exceeding seven years, and shall be advertised and sold according to law; said bonds shall be executed by the president of said board of education subscribing the corporate name of said board thereto, and by the secretary of said board affixing the seal of said board thereto, attested by his signature; the coupons attached to said bonds shall be executed by engraving or lithographing the signature of the treasurer of said board thereon. None of said bonds shall be sold for less than their par value and accrued interest, and all of said bonds remaining unsold on the second day of January, 1892, shall be canceled at a regular meeting of said board and a record of the same placed upon its minutes.

SECTION 2. Said board of education is hereby authorized to levy tax on all the taxable property of said city and of the territory attached thereto for school purposes in addition to what is already authorized by law to be levied sufficient to meet the semi-annual interest of said bonds, and to pay the principal of the same as it may fall due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 12, 1891.
60L

[Senate Bill No. 208.]

AN ACT

To allow a certain private road in Burlington and Bennington townships, Licking county, Ohio, to be worked as a public road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the private road leading from a point near the north-east corner of the farm of John S. Edman, on the Homer and Granville road, west to a point near the residence of Elias Kattle, on the Newark and Marion road, all in Burlington and Bennington townships, Licking county, shall be considered a public highway for purposes of road work, and that the road supervisors of the districts through which it runs shall cause labor to be performed thereon as on other roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
61L

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[Senate Bill No. 355.]

AN ACT

To change the time of holding the court of common pleas in Auglaize county and in Van Wert county, Ohio, for the September term in Auglaize county, and for the October term in Van Wert county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the September term, 1891, of the court of common pleas in and for Auglaize county, Ohio, shall commence on the 7th day of September, 1891, instead of September 14, as now appointed, and that the October term, 1891, of the court of common pleas in and for Van Wert county shall commence on the 5th day of October, 1891, instead of October 12, as now appointed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
62L

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[Senate Bill No. 360.]

AN ACT

To authorize the commissioners of Scioto county to levy a tax for turnpike purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Scioto county are hereby authorized to levy a tax upon all the taxable property of Scioto county, sufficient to raise a sum not to exceed three thousand dollars for the purpose of constructing the boulevard free turnpike, commencing at the present terminus of the

cemetery free turnpike at the catholic cemetery near the lands known as the Doly farm; thence running north and north-west through the land of Nicholas Hubbard's heirs, and the lands owned by Tracy and Deaver to the east line of lands owned by the heirs of Solomon Noel and A. B. Cole; thence with the center of said road on line between said Noel and Cole's land west to the Portsmouth and Columbus free turnpike, on line heretofore surveyed and established.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
63L

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[Senate Bill No. 364.]

AN ACT

To increase the pay of real estate assessors and their assistants in the county of Cuyahoga, and state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county, state of Ohio, be and are hereby authorized and directed to pay the decennial assessors of real estate and their assistants the sum of two ($2.00) dollars per day for each day necessarily employed in the performance of their duties, in addition to the amount allowed by law, upon proper vouchers by said county commissioners.

SECTION 2. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
64L

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[Senate Bill No. 392.]

AN ACT

To authorize the council of the city of Canton, in Stark county, Ohio, to issue bonds for the purpose of constructing and improving public parks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Canton, in the county of Stark, and state of Ohio, be and it is hereby authorized and empowered to issue and sell the bonds of said city in any sum, but not to exceed the sum of twenty-five thousand dollars ($25,000.00) for the purpose of subsequently constructing and improving public parks in said city.

SECTION 2. Said bonds when issued and sold shall not bear interest at a rate exceeding five per centum per annum, interest to be payable

semi-annually; said bonds to be of such denominations as the council of said city may prescribe and direct, not less than five hundred dollars ($500.00) each and all of said bonds shall be made payable at such times and places as said council may prescribe by ordinance, but not to run longer than twenty years from the date thereof; said bonds shall not be sold for less than par, and the proceeds of the sale of said bonds shall be used only for constructing and improving public parks in said city.

SECTION 3. Said bonds shall be signed by the mayor of said city and attested and registered by the city clerk, and shall express upon their face the purpose for and act under which issued. When said bonds are sold the proceeds thereof shall be paid to the treasurer of said city, who shall hold and disburse the same as other city funds; said bonds shall be sold from time to time and in such amounts as the council of said city may deem proper.

SECTION 4. If any bonds of said city are issued [as] herein provided, it shall be the duty of said council of said city, thereafter, to assess and levy a tax, and if necessary in addition to that now authorized by law, on all the taxable property of and in said city of Canton, sufficient to provide for the payment of the principal and interest of said bonds, when the same shall become due and payable, and said taxes shall be collected as other taxes of said city.

SECTION 5. Before the said council shall have authority to issue bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said city at a regular or special election held for that purpose; such election shall be held in the same manner and at the places where elections are usually held in said city, notice thereof shall be given by publication in a newspaper, printed and of general circulation in said city for two consecutive weeks prior to said election; those electors who favor the issue of such bonds and a levy of such tax, shall have written or printed on their ballots the words, "Issue of park bonds—Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words "Issue of park bonds—No;" and if a majority of the votes cast at such election are in favor of the issue of such bonds, the council of such city shall be authorized to issue said bonds and make said levy for the purpose aforesaid.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
65L

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[Senate Bill No. 393.]

AN ACT

**To authorize the commissioners of Stark county, Ohio, to provide for the deficiencies in the county fund of said county.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Stark county, Ohio, for the purpose of meeting and providing for a deficiency in the county fund of said county, are

hereby authorized to issue bonds in an amount not exceeding twenty-five thousand ($25,000) dollars. Said bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than par, and shall be of the denomination of one thousand dollars each, and shall be payable at such times, not exceeding seven years from date of issue, as said county commissioners may determine, and shall be sold according to law.

SECTION 2. The commissioners and auditor of said county are hereby constituted a board, and authorized to apportion the money arising from the sale of said bonds among the several funds of said county in proportion to the requirements thereof, as may be determined by the judgment of said board.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
66L

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[Senate Bill No. 404.]

AN ACT

To authorize the council of the incorporated village of Milford to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Milford, in the counties of Clermont and Hamilton, is authorized to transfer the sum of five hundred ($500) dollars from the police fund to the town hall fund, and the sum of one hundred and fifty ($150) dollars from the general corporation fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
67L

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[Senate Bill No. 428.]

AN ACT

To repeal an act entitled "An act to provide for purchasing ground and erecting a public hall by the village of West Jefferson and the township of Jefferson, in Madison county," passed April 24, 1890, Ohio laws, vol. 87, page 601.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "An act to provide for purchasing ground and erecting a public hall by the village of West Jefferson and the township of Jefferson,

in Madison county," passed April 24, 1890, Ohio laws, vol. 87, page 601, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
68L

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[Senate Bill No. 432.]

AN ACT

To authorize the trustees of Goshen township, Auglaize county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Goshen township, Auglaize county, Ohio, is [are] authorized to transfer the sum of two hundred ($200) dollars from the road fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
69L

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[Senate Bill No. 459.]

AN ACT

To provide for the election of trustees of Sugar Grove cemetery association, of Wilmington, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said association, be and the same is hereby authorized to elect, at the next regular election after the passage of this act, six trustees, two of whom shall hold their office for one year, two for two years and two for three years; and at each annual election thereafter, they shall elect two trustees, whose term of office shall be three years.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
70L

[Senate Bill No. 466.]

AN ACT

To authorize the city council of the city of Norwalk, Huron county, state of Ohio, to make a temporary transfer of certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Norwalk, Huron county, Ohio, be and are hereby authorized to temporarily transfer the sum of $5,000.00 from the trunk sewer extension fund to the water-pipe extension fund; and also the sum of $1,000.00 from the bridge fund to the water-pipe extension fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 13, 1891.
71L

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[House Bill No. 1239.]

AN ACT

To authorize the board of education of the Malvern special school district, Carroll county Ohio, to issue bonds and borrow money to erect a school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Malvern special school district, Carroll county, Ohio, be and is hereby authorized to borrow the sum of fifteen thousand dollars ($15,000.00) to be used for the purpose of purchasing a site, erecting a school-house, and purchasing heating apparatus and furniture therefor.

SECTION 2. That for the purpose aforesaid, the board is authorized to sell bonds to be signed by the president, and countersigned by the clerk of said board, in sums of one thousand dollars ($1,000.00), bearing interest at the rate of six per cent. per annum, payable semi-annually, said bonds to be paid at the rate of one thousand dollars ($1,000.00) per year and interest as the same becomes due, for the period of fifteen years, payable at such place as the board may determine. Said bonds shall not be sold for less than their par value, and that said bonds may have interest coupons attached.

SECTION 3. That for the purpose of paying said bonds and interest thereon as the same shall become due, the said board of education is authorized and empowered to annually levy a tax on all taxable property in said special school district, in addition to that now authorized by law sufficient to pay the same, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected, paid over to the treasurer of said school district.

SECTION 4. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 17, 1891.
72L

[House Bill No. 1242.]

AN ACT

To authorize the commissioners of Coshocton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Coshocton county, Ohio, be and are hereby authorized to transfer the sum of eight thousand dollars from the poor fund to the county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 17, 1891.
73L

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[House Bill No. 1243.]

AN ACT

To authorize the trustees of Solon township, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Solon township, Cuyahoga county, Ohio, are hereby authorized to transfer three hundred and fifty ($350.00) dollars from the town hall fund to the road fund of said township.

SECTION 2. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 17, 1891.
74L

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[House Bill No. 1284.]

AN ACT

To change the name of Jane E. Ewing, of Athens county, Ohio, to Jennie Ewing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Jane E. Ewing, a resident of Athens county, Ohio, be and the same is hereby changed to Jennie Ewing.

SECTION 2. That said change shall in no way affect the rights, privileges, and liability of said person.

SECTION 3. This act shall be in force and take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
75L

[House Bill No. 1281.]

AN ACT

**To authorize the council of the village of Zaleski, Vinton county, Ohio, to transfer certain funds therein named.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Zaleski, Vinton county, Ohio, be and is hereby authorized to transfer the sum of eight hundred dollars, from the general fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
76L

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[House Bill No. 1278.]

AN ACT

**To authorize the village of Louisville, Stark county, Ohio, to issue bonds for the purpose of purchasing a fire engine, necessary apparatus and equipments and to equip fire department for the use of said village.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Louisville, Stark county, be and said council is hereby authorized and empowered to issue the bonds of said village in an amount not to exceed fifteen hundred ($1,500.00) dollars, in denomination of not less than one, nor more than five hundred dollars, bearing interest at a rate of not more than six per cent from date of issue, payable annually, as the council may determine, for the purpose of purchasing a fire engine and necessary apparatus and equipments, and to equip a fire department for the use of said village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than par value. The principal shall be payable at such time within two years from the date thereof, as the council may determine, and for the purpose of paying said bonds and interest thereon, the said council is hereby authorized to levy a tax upon all the taxable property of said village. Said tax shall be levied and collected in the same manner as taxes for general purposes are now levied and collected.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
77L

[House Bill No. 1270.]

AN ACT

To authorize the council of the incorporated village of Waverly, Pike county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Waverly, Pike county, Ohio, be and the same is hereby authorized to transfer three hundred and seven dollars and eighty cents ($307.80) from the interest fund to the general corporation fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
78L

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[House Bill No. 1263.]

AN ACT

To authorize the council of the village of Caledonia, Marion county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Caledonia, Marion county, be and it is hereby authorized to transfer from the marshal and police fund to the general purpose fund the sum of six hundred dollars ($600.00).

SECTION 2. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
79L

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[House Bill No. 1256.]

AN ACT

To authorize the village council of the incorporated village of Wellington, Lorain county, to issue bonds for road improvement purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Wellington, Lorain county, Ohio, be and are hereby authorized to issue the bonds of said village in the sum of ten thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of improving the roads of said village, in such manner as the proper authorities may determine.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their

par value. Said bonds shall be issued in sums as follows: Ten bonds for one thousand dollars each, respectively, to bear interest from the date of their issue and to be paid as follows: One thousand dollars in 1895, one thousand dollars in 1896, one thousand dollars in 1897, one thousand dollars in 1898, two thousand dollars in 1899, two thousand dollars in 1900, two thousand dollars in 1901.

SECTION 3. Said council are hereby authorized and required to levy a tax upon all the taxable property of said village, sufficient to provide for the payment of the interest on said bonds and to create a sinking fund for the payment of the principal thereof, as they shall respectively fall due.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
80L

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[House Bill No. 1251.]

AN ACT

To authorize the council of the incorporated village of Mt. Washington, Hamilton county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Mt. Washington, Hamilton county, Ohio, be and hereby is authorized to transfer the sum of two hundred ($200.00) dollars from the contingent fund of said village to the sidewalk fund of said village, and the sum of one hundred ($100.00) dollars from the water fund of said village to the street and highway fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
81L

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[House Bill No. 1244.]

AN ACT

To create a special school district in Rockport township, Cuyahoga county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district, in Rockport township, Cuyahoga county, Ohio, to be known as "the Rocky River special school district," to-wit: Being all that part of said township lying west of Rocky river,

bounded as follows: Beginning at the south-west corner of said township, thence north on the west line of said township to the south shore of Lake Erie, thence easterly along the shore of said lake, to where the waters of Rocky river empty therein, thence south-westerly following the centre line of said river to the south line of said township, thence west on said township line to the place of beginning.

SECTION 2. Such special school district shall be governed and controlled in all respects by such laws as are now or may hereinafter be in force relating to special school districts; provided, there shall be elected in such special school district on the second (2) Monday in April next, six (6) members of the board of education, two (2) to serve one (1) year, and two (2) to serve for two (2) years, and two (2) to serve three (3) years as provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
82L

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[House Bill No. 1227.]

AN ACT

To authorize the board of education of the village of Nelsonville, Athens county, Ohio, to issue bonds to purchase grounds and erect thereon school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of Nelsonville, Athens county, Ohio, be and hereby is authorized to issue bonds, in a sum not exceeding the sum of eight thousand ($8,000.00) dollars, bearing interest at a rate not exceeding six per cent. per annum, and redeemable at a period not exceeding sixteen (16) years from date of issue.

SECTION 2. Said bonds shall be signed by the president of said board of education of said village, and countersigned by the clerk of said board, and shall be made payable at such place or places as the board of education of said village shall provide, and said bonds shall not be sold at less than their par value, and may be issued and sold at such times and places and in such amounts as the board of education of said village may provide.

SECTION 3. Before said board of education of said village shall issue the bonds herein provided for, the proposition shall be submitted to the qualified electors of said village at any general or special election called for that purpose, at least ten days' notice being given of such election. The election shall be held at the usual place of holding elections in said village and said election shall be held within ninety days from the passage of this act, and all electors favoring said proposition shall have written or printed on their ballots "Issue bonds to purchase grounds and erect thereon school buildings—Yes," and those opposed "Issue bonds to purchase grounds and erect thereon school buildings—No;" and should a majority of the electors voting upon such proposition, vote "Yes," then

said board of education may issue and sell said bonds, and purchase grounds and erect thereon school buildings, as provided in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
83L

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[House Bill No. 1216.]

AN ACT

To divide Elk township, Noble county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Elk township, in the county of Noble, and state of Ohio, be and the same is hereby divided into two election precincts as follows: Commencing at the north-east corner of section thirteen (13) in said township, thence west two miles to the north-west corner of section nineteen (19) in said township, thence south one mile to the north-east corner of section thirty (30) in said township, thence west three-fourths ($\frac{3}{4}$) of one mile to the north-east corner of the north-west quarter of the north-west quarter of said section thirty (30), thence south one-fourth ($\frac{1}{4}$) of one mile to the south-west corner of said quarter quarter in said section thirty (30), thence east one-fourth ($\frac{1}{4}$) of one mile to the south-east corner of said quarter quarter in the section last aforesaid, thence south one and three-fourths ($1\frac{3}{4}$) miles to the section line dividing sections twenty-eight (28) and twenty-nine (29) in said township, thence east one and one-fourth ($1\frac{1}{4}$) miles to the north-west corner of the north-east quarter of the north-east quarter of section twenty-two (22) in said township, thence south one-fourth ($\frac{1}{4}$) of a mile to the south-west corner of said quarter quarter, thence east one-fourth ($\frac{1}{4}$) of one mile to the south-east corner of said quarter quarter, thence north one-fourth ($\frac{1}{4}$) of one mile to the north-east corner of said quarter quarter, thence east along the section line dividing sections sixteen (16) and seventeen (17) in said township, one mile to the south-east corner of said section seventeen (17) and thence north along the section line three miles to the place of beginning. The said boundaries to include sections 13, 18, 17, 19, 24, 23 and the east half of sections 29 and 30 and the north-east quarter of north-east quarter of section 22 and the north-east quarter of north-west quarter of section 30 in said township; and to constitute and be known as Flag precinct of said Elk township and the place of holding elections in said precinct, shall be in the hamlet of Flag said township; the remaining portion of said township shall be known as the Elk precinct of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
84L

[House Bill No. 1145.]

## AN ACT

**To authorize the village of Beverly, Washington county, to borrow money and issue its bonds therefor, for the purpose of sinking wells for natural gas, acquiring the necessary real estate, purchasing and laying pipes, constructing the necessary buildings, fixtures and machinery, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of Beverly, Washington county, Ohio, be and is hereby authorized to issue its bonds for an amount not exceeding six thousand dollars ($6,000.00), for the purpose of leasing or purchasing the necessary lands, sinking wells thereon for natural gas, purchasing and laying pipes, and constructing the necessary buildings, fixtures and machinery to supply such village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Before such bonds, or any of them, shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of said village at the annual election to be held therein on the first Monday in April, 1891. At least ten days prior to such election the mayor shall issue his proclamation, which shall be posted in not less than five of the most public places in said village for at least ten days immediately preceding such election, notifying the electors thereof of the submission of the question of issuing such bonds. Tickets shall have written or printed thereon the words, "Authority to issue gas bonds—Yes" or "Authority to issue gas bonds—No." Such vote shall be recorded and canvassed, and the result ascertained, in all respects as is provided by law for other elections. If the proposition to issue such bonds be approved by a two-thirds majority of the voters voting at such election, the village shall have authority to issue such bonds for the purpose aforesaid, and not otherwise.

SECTION 3. Such bonds, when so authorized, shall be issued by the council of such village in denominations of not less than one hundred or more than five hundred dollars, payable at such periods of time, not exceeding twelve years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at the office of the treasurer of said village. Such bonds shall express upon their face the purpose for which and the act under which they are issued, shall be signed by the mayor, countersigned and registered by the clerk, and shall not be sold for less than their face value, and shall be sold to the highest bidder after not less than ten days' public notice given by such mode as the council may direct.

SECTION 4. No more of such bonds shall be issued or sold than is necessary for, and required by the necessary cost and expense of acquiring sufficient territory, sinking not more than two wells thereon, the purchase and laying of pipes and other necessary expense; they shall be sold from time to time in such amounts as may be required by the progress and completion of the work. All moneys arising from the sale of such bonds shall be covered into the village treasury, and the treasurer shall be responsible on his official bond for the same, shall be paid out on the order of the council, and shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the purpose aforesaid.

SECTION 5. All moneys received or collected for gas furnished, and all net income arising from such wells, with all profits therefrom, shall be pledged and applied to the payment of such bonds so long as any part thereof remain unpaid; and the council of such village is hereby authorized and required to levy a tax annually, not exceeding three mills on the dollar, on the taxable property within such village, in addition to the tax now authorized by law to be levied, in such an amount each year as will pay the principal and interest then falling due.

SECTION 6. If the electors of said village shall approve the issuing of bonds as provided in this act, the council shall appoint a board of gas managers, to consist of five freehold electors of said village, not more than two of whom shall be members of the council, of which board the mayor shall be, ex-officio president. It shall elect one of its number clerk, and shall keep a full record of its proceedings, and a majority of the members of such board shall be a quorum for the transaction of business. Said board shall have charge of the acquiring of territory, sinking wells, purchasing and laying pipes, and all other authority necessary to carry into effect the purposes of this act, under such regulations as the council shall provide.

SECTION 7. In case such well, or wells, shall produce oil in paying quantities, the council is hereby authorized to provide for the sale of such wells, or for storing and disposing of such oil, and council may also, if thought expedient, provide for the sale of any gas well and any other property or rights acquired by virtue of the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
85L

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[House Bill No. 1097.]

AN ACT

To authorize the village of Uhrichsville, Tuscarawas county, Ohio, to borrow money and issue bonds therefor to be used in the construction of an engine house and the purchase of a site for shops for the C., L. & W. R. R. Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Uhrichsville, in county of Tuscarawas, and state of Ohio, be and hereby is authorized to borrow money not exceeding $13,500.00 for the purpose of purchasing a site for car shops and constructing a storage-house for engines to be donated to the Cleveland, Lorain and Wheeling railway company. And the council of said village is empowered to issue the bonds thereof for the money so borrowed in such denominations, with or without coupons, payable at such times as it shall determine, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, provided said bonds shall not be sold for less than their par value.

SECTION 2. No such bonds shall be issued until the question shall have been first submitted to a vote of the qualified electors of said vil-

lage at a general or special election, of which at least ten days' notice shall be given by publication in some newspaper of general circulation in said village, and at said election all those desiring to vote in favor of issuing said bonds shall have written or printed on their ballots the words, "Railroad engine house bonds—Yes;" and all those desiring to vote against the issuing of such bonds shall have written or printed on their ballots the words "Railroad engine house bonds—No;" and if a two-thirds majority of the votes cast at such election be in favor of the issuing of such bonds, then said council may proceed as authorized in section 1 of this act, and not otherwise, and upon issuing such bonds under the authority aforesaid shall be and are hereby authorized and empowered to levy such amount of tax on the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of said bonds as the same shall become due, which shall be levied and collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
86L

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[House Bill No. 1057.]

AN ACT

To authorize the commissioners of Brown county to construct a free turnpike from Russellville to Arnheim.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct a free turnpike from Russellville to Arnheim on the most practicable route.

SECTION 2. Twenty per centum of the entire cost of the construction of said free turnpike shall be paid by a tax on all the taxable property within one mile of said free turnpike, and eighty per centum of the entire cost of the construction of said free turnpike shall be paid by a tax on all the taxable property of the county.

SECTION 3. The said commissioners shall determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten, and an equal part of said twenty per centum shall be levied and collected each year, and the said commissioners are authorized each year to make such levy upon all the taxable property within said taxing district until the whole twenty per centum is fully paid; and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and they shall, in like manner, levy upon all the taxable property of the county the eighty per centum of the costs of said construction, so that the same will be paid in not less than five years nor more than ten.

SECTION 4. For the purpose of paying eighty per centum of the entire cost of the construction of said free turnpike road, the commissioners are hereby authorized to issue the bonds of the county, bearing not to ex-

ceed six per cent. interest, payable at such times as the commissioners may determine, not exceeding ten years from the date thereof. Said bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
87L

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[House Bill No. 1012.]

AN ACT

To authorize the trustees of Brooklyn township, Cuyahoga county, Ohio, to transfer permanently certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Brooklyn, Cuyahoga county, Ohio, be and the same are hereby authorized to transfer permanently from the cemetery fund of said township as follows: To the cemetery fund of the incorporated village of South Brooklyn, Ohio, two hundred dollars, and to the general fund of Brooklyn township three hundred and twenty-two dollars and twenty-four cents.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891.
88L

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[House Bill No. 1302.]

AN ACT

To authorize the commissioners of Hamilton county to construct certain avenues in the city of Cincinnati and Spencer township, Hamilton county, Ohio, to issue bonds to pay for the same and to assess a tax to redeem said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized to construct the following avenues, viz: Taylor avenue in the city of Cincinnati from Eastern avenue to Union avenue, and Tweed avenue from Union avenue to Linwood pike, to the grades established by the city of Cincinnati therefor, setting curbs and crossings, flagging and paving the gutters, macadamizing the roadway and constructing the necessary drains; said Taylor avenue to be improved to the full width of sixty (60) feet on the following line: From Eastern avenue north-east, as dedicated, south of and through Cottage Hill subdivision; thence north-east along the west boundary of Longworth's subdivision of Mount Tusculum, to the north line of the same;

thence north-east and north to a point in Union avenue, about five hundred eighty feet west of the east line of section 25, Spencer township. Said Tweed avenue to be improved to the full width of fifty (50) feet between Union avenue and Linwood pike, twenty-five feet on each side of the line between Spencer township and the city of Cincinnati.

SECTION 2. That said commissioners of Hamilton county shall pay for the construction of said avenues in the bonds of the county, which bonds said commissioners shall issue payable at such times as they deem best, not exceeding ten years from date. Said bonds to bear interest not exceeding four per centum per annum, payable annually, and shall not be sold for less than par value; provided further, that not more than ten per centum of the cost of the improvement shall be assessed in any one year.

SECTION 3. That for the purpose of paying the interest on said bonds and to provide a sinking fund for the final redemption of the same, the said county commissioners shall levy annually for not exceeding ten years, upon the taxable property of said county, a tax not exceeding one-twentieth of one mill on the dollar in any one year; and the said commissioners of Hamilton county are hereby given exclusive and complete jurisdiction of the improvement and levy provided for herein.

SECTION 4. That the commissioners of Hamilton county shall proceed forthwith to make the necessary contracts for, and to construct, said improvement; provided that no such contract shall be entered into until the complete right of way for said avenue shall have first been secured without any cost or expenses to the city of Cincinnati or county of Hamilton.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 18, 1891
89L

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[House Bill No. 1266.]

AN ACT

To create a special school district in Seneca, Summit and Malaga townships, Monroe county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory in the county of Monroe, and in the townships of Seneca, Summit and Malaga, described as follows, to-wit: All of section nine (9), all of section three (3), except the north half of the north-east quarter; all of section fourteen (14) except the south half of the south-west quarter; also the south-east quarter and the south half of the north-east quarter of section fifteen (15); also the north-east quarter of section thirteen (13); also the north-west of the north-west quarter of section seven (7); also the south-west quarter and the south-east of the north-west quarter of section four (4); also the east half of the south-east quarter of section ten (10); also the west half of the south-west quarter and the west half of the north-west quarter of section eight (8); also the north-east of the

south-east quarter of section twenty (20). All in township seven (7) of range seven (7) in Seneca township; and also in said Summit township: All of section two (2), all of section eight (8) except the west half of the south-west quarter, and except the west half of the north-west quarter; also the north-east quarter and the north-east of the north-west quarter of section seven (7); also the south-west quarter and the west half of the south-east quarter, and the west half of the north-west quarter and the north half of the north-west of the northeast quarter, of section one (1), all in township seven (7), of range seven (7), also the west half of the south-west quarter, and the north half of the north-west quarter of section thirty-two (32), in township six (6) of range six (6). And also in said Malaga township, in township six (6) of range six (6), the south-west quarter and the west half of the south-east quarter of section thirty-three (33), be and the same is hereby created and declared to be and to constitute a special school district.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, in accordance with the enumeration of the year 1890, of children who are entitled to attend school; said funds being those now collected within the county or township treasuries, and shall be governed by such laws as now or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed February 25, 1891.
90L

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[Senate Bill No. 471.]

AN ACT

To authorize the county commissioners of Lake county, to transfer not to exceed twenty-five hundred dollars from the dog tax fund to the county fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lake county be and they are hereby authorized and empowered to transfer not to exceed twenty-five hundred dollars from the dog tax fund to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
91L

[Senate Bill No. 474.]

AN ACT

Authorizing the city council of the city of Portsmouth to issue bonds to the amount of thirty-five thousand dollars ($35,000.00) for the purpose of extending and improving the water-works of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Portsmouth be and is hereby authorized and empowered, for the purpose of constructing an addition to the water-works building, a tunnel, and the necessary engines, pumps and machinery for the successful working and operating of the water-works of said city of Portsmouth; also, for the laying of mains and service connections on Second, Chillicothe and Gallia streets in said city; to issue the bonds of the city in the sum of not exceeding thirty-five thousand dollars ($35,000.00), and bearing a rate of interest not exceeding six per centum per annum, payable semi-annually, for such length of time, not exceeding fifteen years, as the council aforesaid may determine, which bonds shall not be sold for less than their par value; and the proceeds thereof shall be applied to no other purpose than that hereinbefore stated and set forth. Said bonds shall be signed by the mayor and city clerk of said city and be sealed with the seal of said city of Portsmouth.

SECTION 2. That for the purpose of paying the principal and interest of said bonds, the council of said city shall, annually, levy a tax of not exceeding six-tenths ($\frac{6}{10}$) of one mill, in addition to other taxes authorized by law, on all the taxable property in said city until said bonds and interest are paid in full.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
92L

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[Senate Bill No. 477.]

AN ACT

To authorize the council of the city of Massillon, in Stark county, Ohio, to issue bonds for the purpose of paving and improving streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Massillon, in Stark county, Ohio, be, and the same is hereby authorized to issue and sell bonds of said city, in a sum not exceeding twenty-five thousand dollars ($25,000.00), for the purpose of paving and improving streets of said city.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said city, and may be issued in such denominations and sold in such manner, at not less than their par value, as the council may determine, and to bear interest not exceeding the rate of six (6%) per cent. per annum, payable semi-annually, and shall be payable in semi-annual series within ten years from date of issue.

SECTION 3. Before issuing said bonds the council shall submit the question of issuing the same to the qualified electors of said city, at some special or general election, as the council shall determine, in either case by giving notice thereof for ten days previous thereto, by publication in two newspapers published in, or of general circulation in said city. The tickets shall have written or printed thereon the words: "Issuing of bonds for paving and improving streets—Yes—No." If three-fifths (⅗) of those voting upon the proposition, at such election, shall be in favor of the issuing of said bonds, then and then only, shall the said council be authorized to issue said bonds as hereinbefore provided.

SECTION 4. Said bonds may be paid by special assessment on property abutting streets, or from the general tax levy.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed Febrary 26, 1891.
93L

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[House Bill No. 1197.]

AN ACT

To authorize the commissioners of Pickaway county to issue the bonds of said county, to meet and provide for an existing deficiency in the county fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pickaway county, Ohio, in order to meet and provide for a deficiency in the county fund of said county, be and they are hereby authorized to issue the bonds of said county for an amount not exceeding fifteen thousand dollars ($15,000). Said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and said bonds shall not be sold at less than their par value and accrued interest.

SECTION 2. Said bonds so issued shall be signed by the commissioners of said county of Pickaway and countersigned by the auditor, and shall be in denominations of not less than five hundred dollars ($500) or more than one thousand dollars ($1,000) each, and shall have interest coupons attached, and said bonds and coupons shall be payable to the bearer at the office of the treasurer of said county at Circleville, Ohio, at such times not exceeding eight years from date, as the said commissioners may determine.

SECTION 3. That for the payment of the interest on, and the final redemption of said bonds, the commissioners of said county are hereby authorized and required to levy taxes annually, in addition to the rate of taxes now allowed by law to be levied, at a rate not to exceed one-sixth of one mill in each year on all the taxable property of said county.

SECTION 4. That to further provide for the deficiency in the county fund of said county, the said commissioners are hereby authorized and required to permanently transfer to the county fund from other funds, the following amounts, viz: From the jail or jailer's residence fund, the sum of four thousand dollars ($4,000); from the bridge fund, the sum of three thousand dollars ($3,000); from the purchase of toll roads fund, the sum of

fifteen hundred dollars ($1,500.00); from the infirmary fund, the sum of fifteen hundred dollars ($1,500.00).

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
94L

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[House Bill No. 1158.]

AN ACT

For the relief of Lafayette L. Tuttle, treasurer of Palmyra township, Portage county, Ohio.

WHEREAS, Lafayette L. Tuttle, as treasurer of Palmyra township, Portage county, Ohio (it being a township not provided with an office vault, safe or other device for the safe-keeping of the funds of said township), did, on the 21st day of October, 1890, as the law permits, and as the board of education of said township and others therein interested desired and requested, keep in his possession at his house in said township, a portion of the funds of said township, to-wit, $370.00; and

WHEREAS, some person or persons to said Tuttle wholly unknown did, on said 21st day of October, 1890, feloniously steal and take away from the residence of said Tuttle said $370.00, without fault or neglect upon his part; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Palmyra township, Portage county, Ohio, be and they are hereby authorized, empowered and directed to submit to the qualified electors of said township at the next regular election held after the passage of this act, ten days' notice of which shall be given before the day of such election, by written or printed notices in at least five public places in said township, the question of releasing the [said] Lafayette L. Tuttle, treasurer of said township and the sureties on his official bond, from the payment of the three hundred and seventy dollars stolen as aforesaid, and belonging to the said township and school funds of said township.

SECTION 2. The voters of said township desiring to vote for such relief shall have writen or printed on their ballots the words "For the relief of Lafayette L. Tuttle—Yes;" and those desiring to vote against such relief shall have written or printed on their ballots the words "For the relief of Lafayette L. Tuttle—No;" and if it shall appear that two-thirds of the electors voting upon such question had upon their ballots "For the relief of Lafayette L. Tuttle—Yes," then shall the said trustees and board of education release said Lafayette L. Tuttle and sureties on his official bond from the payment of the three hundred and seventy dollars stolen as aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
95L

[House Bill No. 1233.]

AN ACT

To create a joint sub-school district in the counties of Auglaize and Shelby.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory described as follows, to-wit: The south-west quarter of section twenty-six (26), and the whole of section twenty-seven (27), township number six (6) south, range six (6) east, in Pusheta township, Auglaize county, Ohio, and the east half of the east half of section thirty-three (33), and the whole of section thirty-four (34), same town and range, in Dinsmore township, Shelby county, Ohio, be and the same hereby is, for school purposes, constituted a joint sub-district, with all the privileges, rights, powers and duties, and subject to all the laws and conditions of joint sub-districts established in pursuance of the Revised Statutes of Ohio.

SECTION 2. The school-house site for said joint sub-district shall be a tract of land heretofore secured and granted for said purpose, in said section twenty-seven (27) near the south-east corner of the south-west quarter thereof.

SECTION 3. Said joint sub-district shall have and receive its proportionate share of school funds and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1890, of children who are entitled to attend school; said funds being those now collected within the county or township treasuries, and shall in all respects be governed by such laws as now are or may hereafter be in force, relating to joint sub-school districts, not inconsistent with this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
96L

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[House Bill No. 1245.]

AN ACT

To authorize the board of education of the city school district of the city of Defiance, Ohio, to borrow money to erect and furnish a school-house in the fourth ward of said city; to issue bonds therefor, and providing for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city school district of the city of Defiance, Ohio, be and the same hereby is authorized to borrow money, not to exceed the sum of sixteen thousand dollars, for the purpose of erecting and furnishing a school-house in the fourth ward of said city of Defiance, and to issue bonds of said district therefor.

SECTION 2. Said bonds so to be issued shall be of the denomination of one thousand dollars each, shall bear interest at a rate not to exceed six per cent. per annum, due and payable semi-annually, and the principal of the same shall be due and payable respectively, at such time or times

not less than two years nor more than ten years after the date thereof, as said board of education shall determine.

SECTION 3. The principal and interest of said bonds, as the same matures and becomes due and payable, shall be paid out of the contingent fund of said district, and said board of education shall, in each year after the issue of said bonds and until the same are fully paid, include in their annual estimate of the amount of money necessary to be levied as such contingent fund, such a sum of money as may be necessary to be raised by taxation in such year, to provide the means for the payment of the said principal and interest of said bonds as the same shall so mature and become due and payable by the terms thereof; but nothing contained in this act shall be held or deemed to authorize the levy of any greater tax in any one year than is now allowed by law to be annually levied upon the taxable property of said school district for such contingent fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
97L

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[House Bill No. 1287.]

AN ACT

Supplementary to section one of "An act to authorize the county commissioners of Hamilton county, Ohio, to levy a tax for the purpose of constructing an embankment, or approach, to the east end of the suspension bridge in Whitewater township," passed March 28th, 1889 (86 O. L., page 567).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act to authorize the county commissioners of Hamilton county, Ohio, to levy a tax for the purpose of constructing an embankment, or approach, to the east end of the suspension bridge in Whitewater township, passed March 28, 1889 (86 O. L., page 567), be supplemented as follows:

Sec. 1*a*. That the county commissioners of Hamilton county, Ohio, are hereby authorized, in the event of the property (owners) abutting on the line of the proposed improvement refusing to furnish, free of charge and damages, material necessary to construct the embankment or approach, to pay, from the amount so authorized to be collected in said section one, and now in the treasury of said county, a sum not exceeding five hundred ($500.00) dollars, for material necessary to construct the embankment or approach, and damages, and said material shall be procured and paid for, and the damages ascertained by and settlement made for, by said county commissioners, not to exceed said sum, before any contract for constructing said approach is awarded.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
98L

[House Bill No. 1290.]

AN ACT

To authorize the city council of the city of Bucyrus, Crawford county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Bucyrus, Crawford county, Ohio, be and is hereby authorized to transfer two thousand dollars ($2,000.00) from the police fund to the general or corporation fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
99L

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[House Bill No. 1292.]

AN ACT

To authorize the council of the village of Glenville, Cuyahoga county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Glenville, Cuyahoga county, Ohio, be and the same is hereby authorized to transfer the sum of twelve hundred dollars ($1,200) from the police fund to the St. Clair street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
100L

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[House Bill No. 1293.]

AN ACT

To authorize the council of the incorporated village of Green Spring, in Seneca and Sandusky counties, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Green Spring, situated in Seneca and Sandusky counties, Ohio, be and the same is hereby authorized and empowered to transfer four hundred ($400.00) dollars, from the general fund of said village, to the street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
101L

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[House Bill No. 1295.]

AN ACT

To authorize the council of the city of Delaware, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Delaware, Ohio, be and the same hereby is authorized to transfer from the natural gas sinking fund of said city, the sum of eleven hundred and fifteen dollars and forty-seven cents ($1,115.47) to the cemetery fund of said city; also from the natural gas interest fund of said city the sum of three hundred and eighty-four dollars and fifty-three cents ($384.53) to the cemetery fund of said city. Also from the natural gas interest fund of said city the sum of seven hundred and thirty dollars and ninety-four cents ($730.94) to the street improvement fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
102L

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[House Bill No. 1299.]

AN ACT

To authorize the county commissioners of Cuyahoga county to allow the payment of counsel fees and expenses incurred by the sheriff of such county, in the matter of the election of the four judges of the common pleas court at the November election in 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Cuyahoga county, Ohio, are hereby authorized and empowered to allow a claim for one hundred and fifty dollars as counsel fees, and twelve dollars and thirty cents for the expenses of James M. Williams as counsel in the common pleas and supreme courts for the sheriff of Cuyahoga [county] in the matter of the election of the four judges of the common pleas court for Cuyahoga county, Ohio, at the November election in 1889, and the county auditor of such county shall draw his warrant therefor on the treasury of such county.

SECTION 2. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
103L

[House Bill No. 1306.]

AN ACT

To authorize the trustees of Columbia township, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Columbia township, Hamilton county, Ohio, be and they are hereby authorized to transfer the sum of nine hundred and eighteen dollars and eighty-seven cents ($918.87) from the township cemetery fund to the township general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
104L

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[House Bill No. 1314.]

AN ACT

To authorize the village council of the incorporated village of Paulding, Ohio, to issue and sell bonds for the purpose of constructing sewers for the drainage of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Paulding, Paulding county, Ohio, be and it is hereby authorized to issue and sell bonds of said village, in the aggregate sum of not to exceed sixteen thousand dollars ($16,000.00), bearing interest at a rate not to exceed six per centum per annum payable semi-annually, and of denominations not less than two thousand dollars each, made payable at such times as said council may by resolution prescribe, but not less than ten nor more than twenty years from date, said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and shall not be sold for less than their par value, and the proceeds therefrom shall be used for the purpose of constructing sewers for the drainage of said village.

SECTION 2. For the purpose of paying said bonds and the interest as they may become due, the council of said village is hereby authorized to levy a tax, at such times as it may deem necessary, upon all the taxable property, both real and personal, of said village, in addition to the amount otherwise allowed by law, to be collected as other taxes; and the money so collected shall be used for the payment of said bonds and the interest thereon, and for no other purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
105L

[House Bill No. 1316.]

AN ACT

To authorize the trustees of Van Buren township, Putnam county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Van Buren township, in Putnam county, in the state of Ohio, be and they are hereby authorized to transfer the sum of five hundred and ninety-two dollars and seventy-eight cents ($592.78) from the pike fund of said township to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
106L

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[House Bill No. 1318.]

AN ACT

To authorize the trustees of Perry township, Shelby county, Ohio, to issue bonds not to exceed twenty-five hundred dollars, and to levy a tax for the payment of the same for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Perry township, Shelby county, Ohio, are hereby authorized to issue bonds in any sum not exceeding twenty-five hundred dollars, and bearing interest at a rate not exceeding six per cent. per annum, from the date of their issue, payable semi-annually; the proceeds of said bonds to be used for the purpose of raising money to pay damages and to beautify the cemetery. Said bonds shall be of such denominations and shall mature at such times as said trustees shall determine, provided said bonds shall not be sold for less than their par value.

SECTION 2. Said trustees are hereby authorized to levy such amount of tax upon the taxable property of said township as may be necessary to pay the principal and interest of such bonds when the same become due; said taxes to be levied and collected in the same manner as taxes for general [purposes] are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
107L

[House Bill No. 1319.]

AN ACT

To change the name of Mary J. Mock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Mary J. Mock, a resident of Summit county, Ohio, be and the same is hereby changed to "Mary J. Walton."

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
108L

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[House Bill No. 1320.]

AN ACT

To authorize the board of education of the special school district of Mineral Ridge, Ohio, to levy an additional tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the special school district of Mineral Ridge, Ohio, be and the same is hereby authorized to levy a tax on all the taxable property within such special school district, not exceeding two mills on the dollar for each year in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said special school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
109L

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[House Bill No. 1321.]

AN ACT

To change the name of Thomas Sherman Coop.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Thomas Sherman Coop, a resident of Warren county, Ohio, be and the same is hereby changed to Timothy Sigel Owen.

SECTION 2. That such change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
110L

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[House Bill No. 1323.]

AN ACT

To change the name of Frances Bloom to that of Frances Lupton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Frances Bloom, of Wyandot county, Ohio, be and the same is hereby changed to Frances Lupton. Provided, however, that this change of name shall not be held to invalidate any contracts or debts made by (her) the said Frances Bloom prior to the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
111L

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[House Bill No. 1324.]

AN ACT

To create a special school district of sub-district No. 2 of Rumley township, Harrison county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub district No. 2 of Rumley township, Harrison county, Ohio, is hereby created and declared to constitute a special school district.

SECTION 2. The electors of said special district shall proceed to elect three members of the board of education, in accordance with law. All school property situate within said described territory shall be the property of said special school district, and said special district shall be governed in all respects by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Represenatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
112L

[House Bill No. 1346.]

AN ACT

To vacate part of state road crossing parts of sections thirty-two (32) and thirty-three (33), of township eight (8), range two (2) east, in Williams county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the "state road," so called, leading from the county road along the west side of east half of the south-east quarter of section thirty-two (32), of township eight (8), of range two (2) east, running in the south-easterly direction to the county road running west along the south side of the same; and through a part of the west half of the south-west quarter of section thirty-three (33), township eight (8), of range two (2) east, in Williams county, be and the same is hereby vacated across so much of said land as the same occupies.

SECTION 2. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
113L

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[Senate Bill No. 420.]

AN ACT

To authorize the trustees of Columbia township, Hamilton county, Ohio, to construct sidewalks on certain roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Columbia township, Hamilton county, Ohio, are hereby authorized to construct sidewalks on both sides of the Madison road from its intersection with the north corporation line of the city of Cincinnati to the Brotherton road at Oakley, Ohio; also, on both sides of the Edwards road from its intersection with the Linwood road to its intersection with the Madison road; but before said sidewalks shall be constructed upon either of said roads, the petition of the owners of a majority of the feet front of the lots and lands abutting on such road shall first be filed with the trustees of said township, requesting the construction of said sidewalks thereon. And no person who has signed said petition shall be permitted to withdraw his name or remonstrate against said improvement after said petition has been filed with the township trustees.

SECTION 2. Said trustees shall employ a competent engineer under whose direction the work shall be done, and who also shall prepare plans, specifications and estimates for the construction of said sidewalks, and file the same with the said trustees; and thereupon said trustees shall advertise for proposals to construct said sidewalks and shall award the contract to the lowest bidder, who shall furnish good and sufficient sureties for the faithful performance of said work. Said sidewalks shall be four (4) feet in width and shall be constructed of cement; but where there are fills which have not settled, said trustees may construct temporary plank walks, and after said fills have settled, then said trustees shall replace the plank walks with cement sidewalks; there shall be crossings on the inter-

secting streets, which shall be constructed of two (2) rows of flagstone laid parallel with each other. Ten (10) days' notice shall be given of the advertisement for proposals and the sale of bonds under this act; a like notice shall be given of the levying of the assessment; said notice to be by publication twice in a newspaper of general circulation in the county.

SECTION 3. The cost and expense of constructing the sidewalks on each road, together with the interest on any bonds issued by the trustees for the same, shall be levied and assessed upon each front foot of the lots and lands abutting on each side of such road between the points named in section one (1) hereof, and shall be a lien from the date of the assessment upon the respective lots or parcels of lands assessed; said assessment shall be payable in five (5) annual payments, and shall be paid to the township treasurer; and the option of paying his portion of such assessment in full within a period of twenty (20) days from the date of the levy thereof, shall be given to each of the property-owners, but no notice to the property-owners of such option shall be necessary. The township treasurer shall, on or before the second Monday of September annually, certify all unpaid assessements to the county auditor, and the same shall be placed on the tax-list, and shall be, with ten (10) per cent. penalty to cover interest and costs of collection, collected by the county treasurer in the same manner as other taxes are collected, and when collected he shall pay the same to the township treasurer; and all moneys received by the township treasurer on such assessments shall be applied to the payment of the bonds issued under this act, and for no other purpose; and for the purpose of enforcing the collection of the assessments so certified to him, the county treasurer shall have the same power and authority now allowed by law for the collection of state and county taxes.

SECTION 4. For the purpose of raising money necessary to meet the expense of the improvement, the trustees of Columbia township are hereby authorized and directed to issue the bonds of the township payable in installments, or at intervals not exceeding in all the period of six (6) years, bearing interest at the rate of six (6) per cent. per annum, which bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
114L

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[Senate Bill No. 483.]

AN ACT

To authorize the trustees of Burton township, Geauga county, to refund an existing indebtedness incurred in the construction of a town hall.

WHEREAS, At the spring election of 1890, legal notice having been given, the electors of said township voted in favor of constructing a town hall, and the trustees of said township constructed a town hall in accordance with said vote, and thereby incurred an indebtedness of eight thou-

sand dollars, and have issued their bonds therefor payable on or before seven years from their date; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Burton township, Geauga county, are hereby authorized to refund said indebtedness and to issue the bonds of said township therefor, running from one to twenty years from date thereof, and bearing interest at a rate not exceeding six per cent. per annum, payable annually. And for the purpose of paying the principal and interest of said bonds as the same shall mature, said trustees are hereby authorized to levy such tax as they may deem necessary, not exceeding one and one-half mills on the dollar of valuation of the taxable property of said township, in any one year, and for a period not exceeding twenty years.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
JERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
115L

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[Senate Bill No. 489.]

AN ACT

To authorize the council of the city of Massillon, in Stark county, Ohio, to issue bonds for purchasing of grounds and the erection of public buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Massillon, Ohio, in Stark county, be, and the same is hereby authorized to issue and sell bonds of said city, in a sum not exceeding thirty-five thousand dollars ($35,000.00), for the purpose of purchasing suitable grounds in said city and erecting thereon public buildings for said city.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said city, and may be issued in such denominations and sold in such manner, at not less than their par value, as said city council may determine, and to bear interest not exceeding the rate of six per cent. (6 per cent.) per annum, payable semi-annually, and payable in semi-annual series, twenty (20) years from date of issue.

SECTION 3. Before issuing said bonds the council shall submit the question of issuing the same to the qualified electors of said city at some special or general election, as the council shall determine, in either case by giving notice thereof for ten (10) days previous thereto, by publication in two newspapers published in or of general circulation in said city. The tickets shall have written or printed thereon the words, "Issue of bonds for public buildings, Yes—No." If three-fifths ($\frac{3}{5}$) of those voting upon the proposition at such election shall be in favor of the issuing of said bonds, then and then only shall said council be authorized to issue said bonds as hereinbefore provided.

SECTION 4. Said council is hereby authorized to levy a tax of one (1) mill in addition to the amount now authorized to levy, for the pur-

pose of raising money with which to pay the interest and principal of said bonds.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
116L

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[Senate Bill No. 490.]

AN ACT

To authorize the city of Massillon, Stark county, Ohio, to issue bonds for the purpose of general improvement and the best interest of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Massillon, Stark county, Ohio, be and the same is hereby authorized to issue the bonds of said city to the amount of fifty thousand ($50,000.00) dollars as hereinafter provided, for the purpose of raising a fund for the general improvement or any other purpose that will be for the best interest of the people of said city.

SECTION 2. Said bonds shall be made payable at such time (not less than two years nor more than twenty years, in semi-annual series) as the council of said city shall determine. They shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually. They shall be in the denominations of not less than one hundred ($100.00) dollars and not more than one thousand ($1,000 00) dollars as said council may desire. They shall not be sold for less than their par value, and shall be issued according to law; provided, however, that before said bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of said city, at a general or a special election to be held at such time as the council of said city shall appoint; the ticket voted shall have written or printed thereon the words "Authority to issue bonds—Yes;" "Authority to issue bonds—No." If the proposition to issue bonds be approved by three-fifths ($\frac{3}{5}$) of those voting upon the proposition at such election, the council of said city shall have authority to issue such bonds for the purpose named, at any such times, and for such amounts thereof as the council shall determine as provided in this act.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, or redeeming the same earlier, the said council is hereby authorized to levy a tax on all the taxable property of said city not exceeding two (2) mills on the dollar in any one year, in addition to the taxes now authorized by law, which levy shall be placed on the duplicate by the auditor, and collected as other taxes.

SECTION 4. The money realized from the sale of said bonds shall be placed in the hands of six trustees, as follows: Frank Willenborg, Joseph Coleman, W. K. L. Warwick, Silas A. Conrad, Otto E. Young and H. H. Everhard.

SECTION 5. It shall be the duty of and the said trustees are hereby

authorized to deposit said money in bank, to make such use of such money for the purposes hereinbefore set forth, as in their judgment may seem to be for the best interest of the people of said city, by and with the consent of the Massillon board of trade.

SECTION 6. Should a vacancy occur in said board of trustees before the execution of their trust, by death, resignation or otherwise, the mayor of said city shall appoint a suitable person to fill such vacancy.

SECTION 7. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 26, 1891.
117L

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[Senate Bill No. 521.]

AN ACT

To construct a free turnpike in Lewis township, Brown county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct a free turnpike road, beginning at a point in the Feesburg and Higginsport free pike in the town of Feesburg; thence north-west to the Feesburg cemetery at a point in the original survey line betwixt Knox and Graham's surveys; thence south-west on, or as near as practicable, the said survey line to the terminus of the free pike near the residence of the late Samuel Tatman.

SECTION 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road; provided, said bonds shall not bear more than six per cent. per annum, and shall not be sold for less than their face value.

SECTION 3. That said commissioners shall, before proceeding to construct said road, or any part of the same, require and secure from those interested in said improvement, a subscription or donation equal in amount to twenty per centum of the cost of said improvement to aid in the construction of the same.

SECTION 4. In locating said road said commissioners may locate the same, in accordance with their best judgment, so as to connect the three objective points.

SECTION 5. Those interested in said improvement shall furnish the right of way for said road free from cost to the county at large.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
118L

[Senate Bill No. 522.]

## AN ACT

To amend section 2 of an act entitled "An act authorizing the trustees of Madison township, Richland county, Ohio, to levy a tax for the purpose of erecting a soldiers' and sailors' memorial library building," passed March 12, 1887 (vol. 84, p. 334), and repeal said section.

SECTION 1. *Be it enacted by the General Assembly of the State [of] Ohio*, That said section 2 of the said act be amended so as to read as follows:

Sec. 2. The resident judge of the court of common pleas of Richland county, Ohio, if there is, and shall be hereafter when an appointment is to be made a resident judge, and if not then, by any common pleas judge of the subdivision in which said county is located, shall, on the 2d day of May, 1891, appoint seven trustees, all of whom shall be residents of Madison township, as trustees of said memorial library building, one of whom shall be appointed for the term of one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years, and each and every year thereafter, on the 2d day of May of each year, the said judge shall appoint a successor to the trustee whose term of office then expires, and he shall fill all vacancies occurring by death, resignation, removal from said township or otherwise, for the unexpired term or terms; the said trustees shall be the successors in office of the trustees provided for in the original section No. 2. In making the appointments for the first terms as above provided, the said judge shall appoint for the seven, the five and the three year terms the three persons nominated by the trustees of the memorial library association of Mansfield, and each year thereafter as the terms of such trustees so nominated shall expire, there shall be appointed as successors the persons nominated by the trustees of said memorial library association. The said trustees of the memorial building shall, after the payment of insurance, the heating and lighting, taxes if any, and such other necessary expenses in connection with said memorial building as may be necessary, pay the balance of all rental or revenue of whatsoever kind received from said building or any part thereof erected out of the funds from the sale of the memorial library building bonds, over, after each semi-annual report, to the trustees of the memorial library association of Mansfield. The said trustees of the memorial library association shall expend said money in the maintenance and improvement of the memorial library. On the first Monday of April and October of each year, after the taking effect of this act, the trustees of the memorial library building shall make to the court of common pleas of said Richland county a true itemized statement of all moneys received by them from whatsoever source, or rental or revenue from said memorial building, and of all moneys expended for and on account of said memorial building, and the purpose for which such expenditure was made.

SECTION 2. The original section 2 is hereby repealed.

SECTION 3. This act shall take effect on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

PERRY M. ADAMS,
*President tem. of the Senate.*

Passed February 27, 1891.
119L

[Senate Bill No. 524.]

AN ACT

To authorize the village of Roseville to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Roseville, Ohio, is hereby authorized to transfer three hundred dollars from the police fund to the general fund, and two hundred dollars from the police fund to the street and alley fund.

SECTION 2. This act shall be in force after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed February 27, 1891.
120L

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[House Bill No. 638.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for macadamizing and improving a certain county road, to be known as the Silverton and Carthage road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect, in addition to the tax as now authorized by law to be levied in said county upon the grand tax levy of all the taxable property in said county, a tax of one-fifteenth (1-15) of one mill on each and every dollar of the valuation thereof, one-half of which shall be assessed and collected on the tax duplicate of said county for the year A. D. 1890, and the remainder on the tax duplicate of A. D. 1891, the funds arising from said tax to be applied under the direction of the commissioners of said county to the improving, by grading, bridging, macadamizing and graveling of the said county road, to be known and designated as the Silverton and Carthage road leading northwardly from Silverton to the line between Columbia and Sycamore townships, thence westwardly along said township line to the Pleasant Ridge road, and if any money remains after completing said improvements, it shall be reserved and applied when necessary, to the repair of said road.

SECTION 2. This act shall take effect and be in full force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
121L

[House Bill No. 639.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for the grading, macadamizing and improving to a width of forty feet the county road known on the county plats as the Mill road or Church street, in Anderson and Columbia townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they hereby are authorized to assess and collect upon the general levy of the taxable property of said county, a tax of one twenty-fifth of one mill on the dollar, one-half of which shall be assessed and collected upon the tax duplicate of 1890, and the remainder on the tax duplicate of 1891, to be applied under the direction of said commissioners to the grading, macadamizing and improving of the county road in Anderson and Columbia townships, known on the county plat as the Mill road or Church street; which said road commences at the Batavia turnpike in Newtown, Anderson township, running thence in a northeasterly direction to Wooster turnpike, in Columbia township; provided, that the amount thus to be expended shall not exceed the sum of ten thousand dollars ($10,000).

SECTION 2. That for the purpose of raising money to defray the expenses of grading, macadamizing and improving said road, the said commissioners are hereby authorized to issue bonds of said Hamilton county at not less than par value, in sums not less than five hundred dollars ($500.00) each, bearing interest at a rate not to exceed five per centum per annum, payable semi-annually, not to exceed in the aggregate the sum to be assessed and collected, as indicated in section one of this act; said bonds to be negotiable and payable within ten years from date of issue.

SECTION 3. That said bonds shall be signed by the county commissioners and countersigned by the auditor of Hamilton county, who shall keep a record of all bonds issued under and by virtue of this act; to whom issued and made payable, and when redeemable.

SECTION 4. That this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
122L

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[House Bill No. 876.]

AN ACT

For the relief of George Moessenger.

WHEREAS, On February 27, 1885, an act was passed by the general assembly of the state of Ohio, creating a fund of $65,000, to enable the auditor of Hamilton county to replace plats destroyed at the burning of the court-house in said county; and

WHEREAS, George Moessenger was employed by said auditor under the provisions of said act to prepare plats as aforesaid, and the said George

Moessenger did prepare plats, which were accepted and are now in use in Hamilton county, for which said services rendered the said George Moessenger was to receive the sum of three hundred and twenty-five ($325) dollars, which with interest, amounts to the sum of four hundred and three ($403) dollars; and

WHEREAS, The fund was exhausted and payment could not be made for the services so rendered as above, and the general assembly passed a supplementary act creating an additional fund of $40,000, of which there remains a surplus of about $15,000; and

WHEREAS, There is some doubt as to the legality of paying out of the latter fund for services rendered under the first fund created; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Hamilton county be and he is hereby authorized to draw his warrant on the treasurer of said Hamilton county, for the sum of four hundred and three dollars in favor of the aforesaid George Moessenger in payment in full of his said claim against the county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
123L

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[House Bill No. 1301.]

AN ACT

To authorize the commissioners of Lake county, Ohio, to build a bridge over the Grand river on the line of State street near Painesville, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lake county, be and they are hereby authorized to construct a bridge over the Grand river, on the line of the State street road leading from Painesville to Fairport in said county of Lake.

SECTION 2. The said commissioners for the purpose of paying for said bridge, are hereby authorized and empowered to issue the bonds of said county not to exceed the sum of thirty-five thousand dollars ($35,000), payable at such times not exceeding ten years, as the commissioners may provide, with interest not to exceed six per cent. per annum, payable semi-annually, said bonds shall be sold according to law at not less than the par value, in sums not less than one hundred dollars each; said bonds shall be signed by said county commissioners and countersigned by the auditor of said county, payable principal and interest at the treasurer's office of said county at maturity according to the terms of said bonds.

SECTION 3. The commissioners of said county shall annually at their June session, levy such an amount of tax on all the taxable property of said county in addition to all other taxes authorized by law, as will pay the interest on said indebtedness and the amount of the principal due for that year.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 3, 1891.
124L

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[House Bill No. 1361.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to levy a tax to complete the construction of a county road belonging to said county, named the Cincinnati, Oakley and Madison avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, in addition to their other powers of taxation, be and they are hereby authorized to levy and collect a tax of one-twelfth of a mill on the dollar valuation upon all of the taxable property in said county for the year A. D. eighteen hundred and ninety-one to pay the cost and expense of completing the construction of the county road belonging to Hamilton county, Ohio, named the Cincinnati, Oakley and Madison avenue. Said commissioners are hereby authorized to take possession of said county road and enter into a contract with the contractors now engaged in the construction thereof at the same rates for work and materials as their present contract, and in payment therefor, at its completion, in anticipation of the taxes herein provided to be levied, to issue two bonds, amounting in the aggregate only to the amount due for said work under the contract herein provided for, bearing four per cent. interest per annum, one payable on the first day of January, A. D. 1892, and the other on the first day of July, A. D. 1892, which shall not be sold at less than their par value and accrued interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
125L

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[Senate Bill No. 439.]

AN ACT

To authorize the board of education of Sullivan township, Ashland county, Ohio, to borrow money and issue bonds therefor, for the purpose of purchasing a site and erecting thereon a high school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Sullivan township, Ashland county, Ohio, be, and is hereby authorized to borrow a sum of money not to exceed six

thousand dollars ($6,000.00), to be applied to the expense to be incurred by said board of education in the erection and furnishing of a school building, to be known as "the Sullivan high school," at the center of said Sullivan township, and purchasing a site therefor.

SECTION 2. That, for the purpose aforesaid, the board of education of said township is authorized to issue and sell the bonds of said township, to be signed by the president and clerk of said board of education; said bonds to be for sums not to exceed $500 each, each bearing interest at a rate not to exceed six per cent. per annum, payable annually; said bonds to be payable at such time or times, not exceeding ten years from the respective dates thereof, as said board of education may determine; which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission, and said bonds may be made payable at any place to be designated in said bonds.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said board of education is hereby authorized and empowered to levy annually a tax on all the taxable property of said Sullivan township, which levy may, if it become necessary, be in addition to that now authorized by law for school purposes, and shall be made at such a rate as to meet the payment of the bonds as they may become due, with the interest on the same, and shall be placed on the duplicate by the auditor of Ashland county, collected as other taxes, and when collected paid over to the treasurer of said board of education.

SECTION 4. That the question of issuing said bonds and levying said tax shall be submitted to the qualified voters of said Sullivan township, at a regular or special election, due notice of which shall be given at least ten days before holding said election, by the board of education of said township, by posting in not less than five conspicuous places in said township, notices of the time, place and purpose of holding said election. Those of the qualified voters of said township voting at said election who favor the erection of said school building, the purchase of a site therefor, and issuing of bonds therefor, shall have written or printed on their ballots the words "Shall school building be erected, and bonds issued therefor—Yes;" and those opposing the same, the words "Shall school building be erected, and bonds issued therefor—No;" and if a majority of the ballots cast at said election shall have written or printed thereon the words "Shall school building be erected and bonds issued therefor—Yes," then this act shall be in force but not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
126L

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[House Bill No. 1366.]

AN ACT

To authorize the board of education of Monroe township, Henry county, Ohio, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Monroe township, Henry county, Ohio, be and

is hereby authorized to borrow any sum of money not exceeding sixteen hundred dollars ($1,600.00) for the purpose of paying an outstanding bond of said board of education of one thousand dollars ($1,000.00) issued October 7, 1885, and for the purpose of erecting a school-house in sub-district number four of said township.

SECTION 2. For the purposes aforesaid, the said board is hereby authorized to issue bonds not less than one hundred dollars ($100.00) each, payable at any time within ten years as said board may determine, and bearing interest not exceeding six per cent. per annum, payable annually. Said bonds and interest payable at such place as said board may determine. Said bonds shall not be sold for less than their par value, and shall be signed by the president and attested by the clerk of said board, which shall cause the necessary taxes to be levied to pay the interest on said bonds and the principal thereof, as the same shall become due, in the manner provided by law, for the levying and collection of taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
128L

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[House Bill No. 1371.]

AN ACT

To authorize the village of De Graff, Logan county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of De Graff, Logan county, Ohio, be and is hereby authorized to transfer one hundred dollars from the reservoir fund, to the real estate and right of way fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
129L

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[House Bill No. 1375.]

AN ACT

To authorize the council of the village of Miamisburg, Montgomery county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Miamisburg, Montgomery county, Ohio, be and is hereby authorized to transfer one hundred dollars ($100.00) from the fire fund to the street improvement fund, and five hundred dollars ($500.00) from the park fund to the light fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
130L

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[House Bill No. 1379.]

AN ACT

To authorize the village of Eaton, Preble county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Eaton, Preble county, Ohio, be and is hereby authorized to transfer from the police fund of said village, to the general fund thereof, the sum of eight hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
131L

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[House Bill No. 1383.]

AN ACT

To change the voting precinct in Newton township, Pike county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the voting precinct in Newton township, Pike county, Ohio, be changed from "Yankee Hill" to "Jasper" in said township.

SECTION 2. No such change shall be made until the question shall have been submitted to the voters of said township, and a majority of the votes cast in favor of such change.

SECTION 3. No such vote shall be lawful until at least ten days' notice has been given by being posted in at least five public places in said township.

SECTION 4. The ballots shall be written or printed for Jasper "Yes" for Jasper "No."

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
132L

[House Bill No. 1387.]

AN ACT

To change the boundaries of certain school sub-districts in Bazetta, Champion, Bristol and Mecca townships, Trumbull county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That lot number one (1) now forming a part of school sub-district number one (1) in Bazetta township, Trumbull county, shall hereafter, for all school purposes, form a part of fractional school sub-district number nine (9) of Champion, Bristol and Mecca townships. And that lots number thirty-three (33) and thirty-four (34) in Champion township, now forming a part of school sub-district number three (3) in Champion township, shall be transferred to and form a part of fractional school sub-district number one (1) of Bazetta township. And that all other lands constituting said school sub-districts, as now organized, shall remain in the same school sub-districts as they were prior to this act, and are nowise effected [affected] by the transfers above mentioned, but the land above described and transferred shall be taxed, for school purposes, and the same shall be collected and paid for the benefit of the districts into which it is transferred, and give the owners thereof the right to the schools of the districts for educational purposes in the districts formed by this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
133L

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[House Bill No. 1389.]

AN ACT

To authorize the incorporated village of Orrville, Wayne county, Ohio, to issue bonds for the purpose of improving Market street.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Orrville, Wayne county, Ohio, be and is hereby authorized to issue bonds in a sum not to exceed twelve thousand dollars, in denominations of one hundred dollars or any multiple thereof, each bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding ten years from date of issue, said bonds shall be signed by the mayor, and countersigned by the clerk of said village; and shall not be sold for less than their par value, and may be issued and sold at such times and in such amounts as the council of said village shall determine by ordinance.

SECTION 2. The money arising from the sale of said bonds shall be used by the council of said village for the purpose of paving with brick or other hard substance, Market street, between the east line of Walnut street and the C. A. & C. railway.

SECTION 3. Whenever the bonds of said village shall be issued as provided by this act, it shall be the duty of said council to levy a tax on

all the taxable property abutting on said street or being contiguous thereto, as the council may determine, sufficient to pay the interest accruing annually on said bonds so issued, and to create a sinking fund for the payment of the principal thereof as the same shall become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
134L

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[House Bill No. 1390.]

AN ACT

To authorize the incorporated village of Orrville, Wayne county, Ohio, to issue bonds for the purpose of constructing sewers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Orrville, Wayne county, Ohio, be and is hereby authorized to issue the bonds of said village in a sum not to exceed six thousand dollars in denominations of one hundred dollars or any multiple thereof, each bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding five years from date of issue, said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value and may be issued and sold at such times and in such amounts as the council of said village shall determine.

SECTION 2. The money arising from the sale of said bonds shall be used by the council of said village for the purpose of constructing sewers.

SECTION 3. Whenever the bonds of said village shall be issued as provided by this act, it shall be the duty of said council to levy a tax on all taxable property within the sewer district, sufficient to pay the interest accruing annually on said bonds so issued, and to create a sinking fund for the payment of the principal thereof, as the same shall fall due.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
135L

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[House Bill No. 1393.]

AN ACT

To authorize the village of Leetonia, Ohio, to issue and sell bonds for the purpose of extending the water-mains and improving the water supply of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Leetonia, in the county of Columbiana,

and state of Ohio, be, and is hereby authorized and empowered to issue and sell the bonds of said village in any sum actually needed for the purpose, but in no case exceeding five thousand dollars, and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and of denominations not less than five hundred dollars each and payable as the village council may by ordinance prescribe, but not within less than ten, nor more than twenty years from date of issue. Said bonds shall not be sold below par, and the proceeds derived therefrom shall be used only for the purpose of extending the water-mains and improving the water supply of said village; the said bonds shall be signed by the mayor of said village, and attested by the clerk thereof, and the seal of the village, and when sold the proceeds shall be paid to the treasurer of the village who shall hold and disburse the same as other village funds are by him held and disbursed.

SECTION 2. For the purpose of paying said bonds and the interest thereon, as the same may become due, the council of said village is hereby authorized to levy a tax, not exceeding one-half of one mill per annum until said bonds become due, and thereafter not to exceed one and one-half mills per annum, upon all the taxable property of said village, in addition to the amount otherwise allowed by law, to be collected as other taxes.

SECTION 3. Before said bonds are issued, the council shall submit the proposition to the electors of said village at a special election, to be held for such purpose, at such time as the council shall determine by resolution, and notice shall be given of the time and place for holding such election, and the amount of bonds to be issued, at least ten days prior to the time of holding such election, in a newspaper of general circulation in said village, and the form of the ballots shall be as follows: Those in favor of issuing said bonds for said purpose, shall have written or printed on their ballots "Extending water-mains and improving water supply—Yes;" those opposed to the issuing of said bonds for said purpose, shall have written or printed on their ballots "Extending water-mains and improving water supply—No." The election shall be held in accordance with the election laws of the state, but the poll-book and returns thereof shall be made to the village clerk, who shall present them to the village council, when the same shall be opened and canvassed, and the result declared, and entered upon the minutes of said council; and if it shall appear that a majority of the ballots cast at such election were in favor of issuing of said bonds for said purpose, then the council shall proceed to issue such bonds, and not otherwise; provided, however, before issuing said bonds or contracting any liabilities whatever for said purpose, the council shall fix, by ordinance, on what street said extensions shall be made, giving dimensions and kind of pipe to be used; the number of fire-plugs and distance from each other; the number of feet of pipe to be laid, the necessary arrangement for improving the supply, and such other matters as may be needed to complete the extension of water-mains and improve the water supply in said village. After the passage and publication of said ordinance, as prescribed by law, the council shall direct the water-works trustees to advertise for sealed proposals in accordance with the provisions of said ordinance, and which proposals may be for a part or the whole of the labor and materials to be furnished, as the council in its discretion may deem best, and if it is ascertained upon the opening of said bids that said extension of said water-mains and improvement of said water supply can be made complete in every respect and that

good and responsible parties will enter into the contract, with good and sufficient bond that they will make said extension of said water-mains and improvement of said water supply, or such part as may be let to them, for a sum not to exceed five thousand dollars for the whole, said trustees may accept such proposal as in their judgment is most reasonable, economical and satisfactory, and enter into a contract for such purposes, and said council may issue the bonds as herein provided and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate*

Passed March 4, 1891.
136L

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[House Bill No. 1394.]

AN ACT

To authorize the commissioners of Knox county, Ohio, to construct a bridge across the Kokosing river at Mount Vernon, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Knox county, Ohio, are hereby authorized and empowered to construct the substructure and superstructure of a bridge across the Kokosing river, at the west end of High street in or near to the city of Mount Vernon in said county.

SECTION 2. For the purpose of paying for said bridge, said commissioners are authorized to use and expend of the bridge fund of said county, a sum not exceeding thirteen thousand dollars, and said commissioners are authorized to procure said work to be done, and the furnishing the material therefor either at a public letting, or by private contract, as may seem to said commissioners to be for the best interest of the people of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
137L

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[House Bill No. 1399.]

AN ACT

To authorize the board of education of the Coldwater special school district, Mercer county, to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Coldwater special school district, Mercer

county, be and is hereby authorized and empowered to issue bonds of said district for an amount not to exceed three thousand ($3,000.00) dollars, for the purpose of building an addition to the present school building of said special school district, or to purchase additional property for school-house purposes, as the board in their judgment may deem best.

SECTION 2. Said bonds shall be issued by the board and signed by the president thereof, and countersigned by the clerk of the board, and shall bear interest at a rate not exceeding seven per cent. per annum payable annually. The bonds shall be issued in such denominations as the board may determine, and in such installments annually as the board may deem best; but all bonds shall be made payable within eight years after the date of the issue thereof, and shall not be sold for less than their par value.

SECTION 3. The clerk of the board of education shall keep a complete record of said bonds, showing the amount of each bond issued, the date thereof, and when due; number of bond, and rate of interest; and when the bonds are paid they shall be canceled, and the fact of such cancellation shall be noted on the record.

SECTION 4. That for the purpose of paying the interest of said bonds, and the principal of the same, as they become due, the board of education is hereby authorized and empowered to levy a tax annually of not exceeding one mill on the dollar, on all the taxable property within said district in addition to the taxes now authorized to be levied by law for school and school-house purposes.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 4, 1891.
138L

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[House Bill No. 1267.]

AN ACT

To divide Homer township, Morgan county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Homer, in the county of Morgan and state of Ohio, be and the same hereby is divided into two election precincts, as follows: The first shall be called the Mountville precinct, and shall be composed of the territory within the following boundary lines, to-wit: Commencing at the south-east corner of section one (1) of said Homer township; thence running north on the east boundary line of said township to the north-east corner of section six (6); thence west along the north boundary line of said township to the north-west corner of section twenty-four (24); thence south along the west boundary line of sections twenty-four (24) and twenty-three (23), and fractions twenty-three (23), seventeen (17) and eighteen to the south-west corner of said fraction eighteen; thence east along the south boundary line of said fraction eighteen (18)

to the north-east corner of fraction thirty (30); thence south along the east boundary line of said fraction thirty (30); to the south-east corner of said fraction thirty (30), thence east along the north boundary line of fraction thirty-one (31) to the north-west corner of fraction one (1); thence south along the west boundary line of fractions one (1), seven (7) and thirteen (13), and of section thirteen to the south-west corner of said section thirteen (13) in the south boundary line of said Homer township; thence east along said south boundary line to the place of beginning, containing all the territory included within said boundary lines, and the voting place of said precinct shall be at Mountville, in said precinct. The second precinct shall consist of the balance of the territory of said Homer township, Morgan county, Ohio, and shall be known and designated as the Bishopville precinct, and the voting place of said precinct shall be at Bishopville, in said precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 5, 1891.
139L

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[House Bill No. 1279.]

AN ACT

To repeal an act entitled "An act to divide Jackson township, Stark county, Ohio, into three election precincts," as passed February 6, 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to divide Jackson township, Stark county, Ohio, into three election precincts," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 5, 1891.
140L

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[House Bill No. 1307.]

AN ACT

To repeal an act entitled "An act to provide for the appointment of a collector of costs and fees, and prescribing his duties," passed May 14th, 1879 (Ohio laws, vol. 76, page 94).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to provide for the appointment of a collector of costs and fees, and prescribing his duties," passed May 14th, 1879) Ohio laws, vol. 76, page 94), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President the Senate.*

Passed March 5, 1891.
141L

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[House Bill No. 1322.]

AN ACT

To provide for the payment of a certain claim of George M. own.

WHEREAS, During his term of office as sheriff of Wood county, George M. Brown, in the performance of his duty as such sheriff, was required to, and did, execute the sentence of death upon one Carl Bach, pursuant to the order of the court of common pleas of said county; and,

WHEREAS, Said George M. Brown in the performance of said duty, necessarily expended the sum of $300.00, for which he has not been re-imbursed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of said Wood county, Ohio, be and they hereby are authorized and required to cause to be paid to said George M. Brown, from the treasury of said Wood county, the said sum of three hundred dollars ($300.00) in payment and satisfaction of his said claim for services and expenses, rendered and incurred in and about the hanging of said Carl Bach.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 5, 1891.
142L

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[House Bill No. 1328.]

AN ACT

To authorize the incorporated village of Athens, in the county of Athens, to issue public improvement bonds, to provide for the application thereof, and to levy a tax for the payment of the interest and the principal of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Athens, in the county of Athens, hereby is authorized and empowered to issue one hundred thousand dollars in amount of its bonds, to be styled "public improvement bonds;" fifty thousand dollars of which are to be applied to the improvement of its streets and fifty thousand dollars thereof may be applied to the construction of sewers in said village, or to other public purposes.

SECTION 2. Before such bonds, or any of them, shall be issued, the council of said village shall, by resolution duly adopted and published in

one or more of the newspapers of said village for one week, appoint a special election to be held therein in all respects, not otherwise herein provided, as municipal elections are now required by law to be held; and at such election the question of issuing such bonds shall be submitted to the qualified electors of said village. The tickets voted at such election shall have written or printed thereon the words: "Authority to issue bonds —Yes;" or "Authority to issue bonds—No." And if the proposition to issue such bonds shall be approved and voted for by two-thirds of those voting at such election, then, and not otherwise, said village shall have authority to exercise the rights and powers enumerated in this act.

SECTION 3. If the result of the vote to be taken, as is provided in the last section, shall be in favor of issuing said bonds, it shall be the duty of the council of said village to have the same printed in denominations of not less than one hundred dollars nor more than one thousand dollars, to bear interest, payable semi-annually, at not exceeding five per centum per annum, to become due not more than thirty years after the date thereof, principal and interest to be paid at such places as the said council shall determine. Said bonds shall be denominated "public improvement bonds," shall express on their face that they were issued under this act, and shall be sealed with the seal of said village, signed by the mayor and countersigned and registered by the clerk of said village, and shall be serially numbered.

SECTION 4. If the vote to be taken, as is provided in section two of this act, shall result in favor of issuing said bonds, it shall be the duty of the mayor of said village, with the consent of two-thirds of the council thereof, to be expressed by resolution duly taken and recorded at a regular meeting of said council, to nominate and appoint twenty resident tax-payers of said village as a board of improvement, and the clerk of said village shall immediately notify such tax-payers of their said appointment; and such tax-payers shall thereupon, in writing, notify said mayor and council that such appointment is accepted, and such clerk shall file and preserve such acceptances and record the names of the persons constituting such board. In the event that any person so nominated shall fail to accept such appointment, it shall be the duty of said mayor and council to fill up said board to the required number of twenty, in the manner provided in this section. And said board shall continue in existence for three years.

SECTION 5. The said board of improvement shall organize by selecting one of its members as president and one as secretary; it shall keep a complete record of its proceedings and make a report thereof to the council of said village on the first day of January of each year of its existence; it shall have power to make contracts in the name of said village for the improvement of the streets of said village and for the construction of sewers therein, and for any other public improvement thereof. It shall also have power to make contracts in the name of said village for the purchase of materials to be used in such public improvements, and may make down payments for such materials, taking security to its own satisfaction in the name of said village, that the person or persons with whom such contracts are made will perform the part or parts of such agreements by him or them agreed to be performed.

SECTION 6. The bonds authorized by this act on being completed, except as to date, shall be passed into the care and custody of said board of public improvement, and said board hereby is authorized to issue the

same; but said bonds shall be dated of the day they are issued and shall be of no effect until they are so issued by said board, and said bonds shall not be negotiated or issued at less than the par value thereof.

SECTION 7. The council of said incorporated village of Athens shall have power to levy a tax on the taxable property in said village, sufficient to pay the interest on such of said bonds as shall be issued by said board of public improvement, and to create a sinking fund for the payment of the principal thereof.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 5, 1891.
143L

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[House Bill No. 1343.]

AN ACT

To authorize the board of education of Fremont, Sandusky county, Ohio, to issue bonds to increase school facilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Fremont, Sandusky county, Ohio, be and hereby are authorized to issue and sell bonds of said city to the total amount not to exceed fifteen thousand ($15,000) dollars, for the purpose of purchasing a site and erecting a new school building or buildings in said city.

SECTION 2. That for the purpose aforesaid, the said board of education are hereby authorized to issue bonds not exceeding fifteen thousand dollars, to be signed by the president and attested by the secretary of said board, of such denomination as said board of education may, by resolution prescribe. Said bonds shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, and to be payable at such time or times, not exceeding ten (10) years from the date of issue, as may be determined by said board of education. Said bonds shall not be sold for less than their par value, and shall have interest coupons attached.

SECTION 3. Said board of education are hereby authorized and empowered to levy in addition to the amount already authorized by law to be levied for school purposes, such tax as may be necessary to pay said bonds and interest at maturity.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 5, 1891.
144L

[Senate Bill No. 386.]

## AN ACT

To amend an act entitled "An act to authorize the commissioners of Hamilton county to construct a certain avenue in Delhi township, to issue bonds and to pay for same, and [to] assess a tax to redeem said bonds," passed April 25, 1890 (O. L., vol. 87, page 603).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to construct the following avenue: Commencing at the present terminus of the road known as Hill Side avenue, now completed to Anderson Ferry, in the township of Delhi, in said county; and thence running north-west three and six-sevenths miles into the village of Delhi, there intersecting with the old North Bend road running to Addyston in said county.

SECTION 2. That in the location and construction of said avenue upon said route, the same shall be located and constructed so as to be above the highest water-mark of the Ohio river; and the same shall be located at such a distance away from the railroads running along the Ohio river from Cincinnati, so as to make it practically safe for use in the driving of horses not accustomed to the noise and rapid motion of moving trains.

SECTION 3. That said avenue shall be opened sixty (60) feet in width and graded the full width of thirty feet, and shall be macadamized with broken limestone and gravel to the full width of 16 feet and 12 inches deep.

SECTION 4. That said county commissioners of Hamilton county shall pay for the construction of said avenue, including the assessed value of any property that may be condemned for the right of way of said avenue, in the bonds of the county, which bonds said commissioners shall issue payable at such times as they may deem best, not exceeding five years from date. Said bonds to bear interest not exceeding four per centum per annum payable annually, and shall not be sold for less than their par value; provided, further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SECTION 5. That for the purpose of paying the interest on said bonds and to provide a sinking fund for the final redemption of the same, the said county commissioners are hereby authorized and directed to levy upon the taxable property of said county a tax not exceeding two-tenths of one mill on the dollar in any one year.

SECTION 6. That said avenue shall be located and constructed under the supervision of a competent engineer, to be appointed by the said county commissioners, and who shall receive such pay for his services out of the fund hereinabove authorized to be levied, as said county commissioners may deem reasonable and just.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.

145L

[Senate Bill No. 390.]

AN ACT

To amend the act entitled "An act to authorize the commissioners of Franklin county, Ohio, to construct a viaduct and approaches thereto," passed April 16, 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to authorize the commissioners of Franklin county, Ohio, to construct a viaduct and approaches thereto," passed April 16, 1890, be so amended as to read as follows:

Sec. 1. That the board of county commissioners of Franklin county, Ohio, be and they are hereby authorized to build a viaduct over and across the railroad tracks at the intersection of Leonard and Joyce avenues, with the tracks of the Pittsburgh, Cincinnati, Chicago and St. Louis railway company and the Baltimore and Ohio railroad company, north-east of the city of Columbus, in said county, together with approaches thereto, which viaduct shall be so constructed as to provide an approach from said Joyce avenue on the north side of said viaduct, and from said Leonard avenue on both ends thereof; provided, that in the exercise of their powers and the performance of their duties in that behalf, said board of county commissioners shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed by this act.

Sec. 2. For the purpose of raising money to defray the expenses of constructing such viaduct, together with the approaches thereto, said commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county, Ohio, according to law, in sums of not less than one thousand dollars each, bearing interest at the rate of six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of fifty-five thousand dollars; and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county, to pay said bonds as they may mature, and the interest thereon, at such rate and for such length of time as may be necessary for that purpose.

SECTION 2. That said act entitled "An act to authorize the commissioners of Franklin county, Ohio, to construct a viaduct and approaches thereto across railroad tracks on Leonard avenue," passed April 16, 1890, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
146L

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[Senate Bill No. 438.]

AN ACT

To authorize the trustees of Miami township, Clermont county, Ohio, to issue bonds for the purchase of a site and the erection of a soldiers' monument.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Miami township, Clermont county, Ohio, are hereby author-

ized to issue the bonds, of said Miami township for the sum of one thousand five hundred ($1,500.00) dollars for the purchase of a site (if one is not donated) and the erection thereon of a soldiers' monument.

SECTION 2. The question of issuing said bonds shall be submitted to the voters of Milford and Newberry precincts of Miami township at a regular or special election, notice of which shall be given by the township trustees causing to be published in all the newspapers published in said township for not less than ten days, notices of said election, setting forth the time and place when and the purpose for which such election will be held; the tickets used at such election shall have written or printed on them the words, "Authority to issue bonds—Yes;" or "Authority to issue bonds—No." The trustees shall not be authorized to issue bonds for the purpose named in this act unless a majority of such votes be in favor of the question.

SECTION 3. If a majority of votes shall favor the issue of bonds for the purposes named in this act, the trustees of said Miami township shall levy a tax on all the taxable property of said Milford and Newberry precincts of said township, and make a proper return of such levy to the auditor of Clermont county to be placed by him on the duplicate of said precincts of said township and collected as other taxes; the levy shall be made at such a rate as to meet the payment of the bonds as they may fall due, with the interest accrued on the same, and may be made in three consecutive annual levies.

SECTION 4. Said bonds shall be issued in such amounts and shall be made payable at such time and place and shall bear such a rate of interest not to exceed five (5) per cent. as the trustees of said township may determine.

SECTION 5. Within thirty days after the result of the election as provided for in section 2 of this act shall be known, if the result be in favor of issuing such bonds, the trustees of Miami township shall notify the county commissioners of such result, and on the receipt of such notice the commissioners of Clermont county shall proceed at their first regular meeting to appoint a committee of five (5) resident freeholders of Miami township, three of whom shall be members in good standing of some grand army post in one of said precincts; said committee shall serve without compensation, and it shall be their duty, together with the trustees of said township, to select a site for such soldiers' monument, select a design for the same and superintend the construction of said monument.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
147L

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[Senate Bill No. 457.]

AN ACT

To authorize the incorporated village of Milford, in Clermont and Hamilton counties, Ohio, to issue bonds for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Milford, in Clermont and Ham-

ilton counties, Ohio, be and the same is hereby authorized to issue bonds not exceeding in amount the sum of two thousand ($2,000) dollars, the proceeds of which bonds shall be used for the purpose of completing and furnishing a town hall now in process of construction in said village.

SECTION 2. Said bonds shall be issued to such an amount, not exceeding two thousand dollars, in such denominations and be payable at such time or times as said council may determine. They shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value. They shall be signed by the mayor, countersigned by the clerk, and be authenticated by the seal of said village.

SECTION 3. For the payment of said bonds and interest thereon, said council shall levy a tax in addition to the amount otherwise authorized by law every year during the period that said bonds have to run, sufficient in amount each year to pay the bonds falling due that year, and the interest as it accrues.

SECTION 4. After council shall determine by resolution the amount of bonds to be issued in pursuance of this act, and before the bonds are issued or tax is levied in pursuance hereof, the question of issuing said bonds shall be submitted to a vote of the qualified electors of said village, at an election to be held at such time as the council may determine, and may be at either a general or special election, notice of which shall be given by the mayor of said village, by posting said notice in at least five of the most public places in said village, for at least ten days prior to said election. Said notice shall state the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election. Those voting in favor of the proposition shall have written or printed on their ballots the words, "For the issue of bonds;" and those voting against the proposition the words, "Against the issue of bonds;" and if the majority of the electors voting at such election upon the question of issuing bonds vote in favor thereof, then the bonds may be issued and a tax be levied in pursuance hereof.

SECTION 5. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections, and the clerk and judges of said election shall certify to the council of said village the result of the same. If a majority of the electors voting at said election, as provided in section four of this act, vote in favor of this proposition, the council shall proceed to advertise and sell said bonds, in manner as provided by law for the sale of municipal bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
148L

[Senate Bill No. 491.]

AN ACT

To authorize the board of education of Lockport special school district, in the county of Tuscarawas, and state of Ohio, to borrow money and issue bonds therefor for the purpose of building and furnishing a school-house in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Lockport special school district, in the county of Tuscarawas, state of Ohio, be and it is hereby authorized to borrow a sum of money not to exceed ten thousand dollars, to be applied and used by said board of education in the erection of a school building in said district.

SECTION 2. That for the purpose aforesaid, the board of education of said district is authorized to issue bonds, not exceeding ten thousand dollars in amount, to be signed by the president, and attested by the clerk of the board, in sums of not more than one thousand dollars, bearing interest at a rate not to exceed six per cent. per annum; said bonds to be payable at such time or times, not exceeding ten years from the respective dates thereof as said board may determine; said bonds shall not be sold for less than their par value.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
149L

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[Senate Bill No. 530.]

AN ACT

Supplementary to an act entitled "An act to authorize the council of the incorporated village of New Philadelphia, Tuscarawas county, to issue bonds for the purpose of general improvement and benefit of said village."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to authorize the council of the incorporated village of New Philadelphia, Tuscarawas county, to issue bonds for the purpose of general improvement and benefit of said village," passed March 24, 1890, be supplemented as follows, to-wit:

SECTION 2. That the council of said village is hereby authorized to apply the proceeds arising from the sale of bonds under the act to which this act is supplementary in such amount or amounts as the council shall, in its discretion, prescribe in aid of such manufacturing industry or industries as the council shall deem most advantageous and beneficial to the material interest and prosperity of said village.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
150L

[Senate Bill No. 534.]

AN ACT

To authorize the council of the city of Kenton, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Kenton, Ohio, be and it is hereby authorized and empowered to transfer the sum of eighteen hundred and fifty dollars from the sinking fund of said city, as follows: Five hundred dollars to the police fund of said city, four hundred dollars to the fire department fund of said city, three hundred dollars to the sanitary fund of said city, and six hundred and fifty dollars to the park fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
151L

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[Senate Bill No. 535.]

AN ACT

To change the name of Bridget Von Bellingham to Bridget Fraw.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Bridget Von Bellingham, unmarried, a resident of Cuyahoga county, Ohio, be and the same is hereby changed so as to be and read as follows, to-wit: Bridget Fraw.

SECTION 2. That such change shall in no wise affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
152L

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[House Bill No. 1334.]

AN ACT

To change the names of Katie Margaretha McGovern and Frank Held to Katie Margaretha Fugmann and Frank Fugmann.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the names of Katie Margaretha McGovern and Frank Held be and the same are hereby changed to that of Katie Margaretha Fugmann and Frank Fugmann, respectively.

SECTION 2. That such change shall in no wise affect the rights, privileges and liabilities of said persons.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 6, 1891.
153L

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[House Bill No. 949.]

AN ACT

**To divide Harrison township, Paulding county, Ohio, into two election precincts.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Harrison township, Paulding county, Ohio, be divided into two election precincts as follows to-wit: Beginning at the north-east corner of section number twenty-five (25) township number two (2) north range number one (1) east Paulding county, Ohio; thence running west along the section line to the north-west corner of section number thirty (30) in said township aforesaid; thence south to the south-west corner of section number thirty-one (31) in said township; thence east along the township line between Benton and Harrison township[s], Paulding county, Ohio, to the south-east corner of section number thirty-six (36) of said Harrison township; thence north on township line to place of beginning; all of said township within the boundary lines above given shall be called the south precinct of Harrison township, with the voting place in the village of Payne, Ohio. The remainder of the said township shall constitute a voting precinct to be known as the north precinct of Harrison township with voting place to be determined by the trustees of said township.

SECTION 2. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate*

Passed March 10, 1891.
154L

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[House Bill No. 1206.]

AN ACT

**To authorize the commissioners of Franklin county, Ohio, to build a bridge across the Olentangy river at Fifth avenue in the city of Columbus, in said county.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of Franklin county, be and they are hereby authorized to construct a bridge across the Olentangy river at Fifth avenue in the city of Columbus, in said county.

SECTION 2. For the purpose of raising money to defray the expense of constructing said bridge, said commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county according to law in sums not less than one thousand dollars each, at a rate of interest not to exceed six per centum per annum, payable semi-annually, and not to exceed in the aggregate the sum of thirty-five thousand dollars; and said commissioners are further authorized to levy a tax on all property on the tax duplicate of said county to pay said bonds as they mature and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
155L

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[House Bill No. 1247.]

AN ACT

To authorize the commissioners of Franklin county to construct a bridge over Gahanna river, known also as Big Walnut creek or Big Bully.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of Franklin county be and it is hereby authorized to construct a bridge across the Gahanna river, known also as Big Walnut creek or Big Bully, where the same crosses the county road running easterly and westerly between sections Nos. 7, 8, and 9, on the north, and sections Nos. 16, 17 and 18, on the south, in township No. 11, range No. 21, Matthews survey, Congress lands, and to construct the necessary grades and approaches thereto, and in the exercise of their powers and the performance of their duties, in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are conferred and prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expense of constructing said bridge and the necessary grades and approaches thereto, said commissioners are hereby authorized and empowered to issue and sell the bonds, of said Franklin county, at not less than their par value in sums not less than one thousand dollars each, bearing interest at a rate not to exceed six per centum per annum payable semi-annually, and not to exceed in the aggregate the sum of fifteen thousand dollars. And said commissioners are further authorized and empowered, to levy a tax on all the property of the said county, to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
156L

[House Bill No. 1261.]

AN ACT

To authorize the commissioners of Wood and Lucas counties, Ohio, to pay the claim of Peter Ronau.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Wood and Lucas counties, Ohio, be and they are hereby authorized to pay Peter Ronau, of the village of Perrysburg, in Wood county, Ohio, a sum not exceeding one hundred dollars ($100.00), as they may deem just and equitable, for losses sustained by him, by the injury of his horse, in crossing the river bridge between Maumee and Perrysburg, and between Wood and Lucas counties, on the morning of December 9th, 1890.

SECTION 2. That this act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
157L

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[House Bill No. 1273.]

AN ACT

To amend section one (1) of "An act to authorize the creation of a special school district in Dinsmore township," passed March 9th, 1880 (O. L., vol. 77, page 333).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of an act to authorize the creation of a special school district in Dinsmore township, passed March 9th, 1880 (O. L., vol. 77, page 333), be so amended as to read as follows:

Sec. 1. That the following territory situate in said Dinsmore township, Shelby county, Ohio, be and the same is hereby created and declared to constitute a special school district by the name of Rhine special school district, to-wit: The north half of section number one (1), the south-west quarter of section number one (1), the north-west quarter of the south-east quarter of section number one (1), the north half of section number two (2), the south-east quarter of section number two (2), the north-east quarter of section number three (3), the west half of the north-east quarter of section number eleven (11), in town seven (7) south, range six (6) east; also section number thirty-five (35), section number thirty-six (36), in town six (6) south, range six (6) east.

SECTION 2. That said original section one (1) be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
158L

[House Bill No. 1335.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to construct a ditch in Harrison township, Hamilton county, Ohio, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized and empowered to construct a ditch in Harrison township, Hamilton county, Ohio, beginning at a point at or about the south-west corner of what is known as Glen Haven cemetery on the west side of the Biddinger free turnpike road, following the course of Marvin's run as far as the corner of Hill street in the village of Harrison, Ohio, and said run, and extending thence as nearly directly west as practicable until it reaches the Indiana state line; provided, that the exact course which said ditch will take, as well as its point of beginning, shall be discretionary with the county commissioners of said county upon the recommendation of the engineer or surveyor of said county, and, provided further, that the entire length of said ditch shall not exceed three-quarters of a mile.

SECTION 2. That said commissioners be and they are hereby authorized to appropriate by proceedings in condemnation as provided by law in other cases of improvement, a strip of land not exceeding forty feet in width for the purpose of constructing said ditch and extending as nearly as practicable along or near the course marked out in section one of this act for the passage of said ditch, or such other course as may be determined upon by said commissioners; provided, that said commissioners shall endeavor as far as possible by the construction of said ditch to prevent the damages liable at any time to occur to county property and private property by the overflow of said Marvin's run.

SECTION 3. That for the purpose of raising money to defray the expenses and costs of the condemnation mentioned in section two of this act, and of the construction of said ditch as mentioned in section one of this act, the said commissioners are hereby authorized and empowered to issue bonds of said Hamilton county, and sell said bonds, at not less than their par value, in sums of not less than five hundred dollars ($500.00) each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of fifteen thousand dollars ($15,000 00); and said commissioners are further authorized and empowered to levy a tax in addition to that now authorized by law on all property real and personal on the tax duplicate of said county to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
159L

[House Bill No. 1342.]

AN ACT

To amend an act entitled "An act to authorize the board of education of the village district of Glouster, Athens county, Ohio, to issue bonds to purchase grounds and erect thereon a school house," passed April 21st, 1890, and to authorize said board of education to levy a tax for the payment of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to authorize the board of education of the village of Glouster, Athens county, Ohio," passed April 12th [21st], 1890, be amended so as to read as follows: That the board of education of the village of Glouster, Athens county, Ohio, be and is hereby authorized to issue bonds in the sum of ten thousand dollars ($10,000) for the purpose of purchasing grounds and erecting thereon school buildings and furnishing the same.

SECTION 2. Said bonds shall draw interest not exceeding six (6) per centum per annum made payable semi-annually and redeemable at a period not exceeding twenty-five (25) years from the date of their issue, and shall be payable at a place or places therein named, and said bonds shall not be sold at less than par value, and may be for such sums and sold and issued at such times and places as said board of education shall provide.

SECTION 3. To pay said bonds and the interest thereon said board of education is authorized to levy a tax not exceeding seven (7) mills on the dollar annually, in addition to that already authorized by law on property subject to being taxed for the said purpose.

SECTION 4. Said act passed April 21st, 1890, is hereby repealed and this act shall be in force and take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
160L

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[House Bill No. 1344.]

AN ACT

To authorize the council of the incorporated village of Mineral Ridge, Trumbull county, to issue bonds not exceeding ten thousand dollars for the purpose of encouraging manufacturing industries or other enterprises.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Mineral Ridge, Trumbull county, be and is hereby authorized and empowered to issue its bonds not to exceed in amount ten thousand dollars in such denominations not less than fifty dollars nor more than five hundred and payable at such times and places (as the council of said village may determine) within twenty years, for the purpose of encouraging manufacturing or other industries, said bonds to bear interest at the rate not in excess of six per cent. per annum, payable annually, and not to be sold less than par.

SECTION 2. For the payment of the principal and interest of said bonds as the same shall become due, the council of said village is hereby

authorized and required to levy a tax on all the taxable property within the corporated limits of said village, in such amounts as will each year meet the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SECTION 3. That before said council shall issue said bonds it shall submit the proposition to the qualified electors of said village at a general or special election, at least ten days' notice of such election having been given by publication in two newspapers and having a general circulation in said village, those voting at such election who shall favor such issue of bonds shall have written or printed upon their ballots the words, "Authority to issue bonds—Yes," and those opposing such proposition shall have written or printed upon their ballots the words, "Authority to issue bonds—No," and if a majority of those voting are in favor of such issue then the council shall have authority under this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
161L

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[House Bill No. 1345.]

AN ACT

To change the name of Freedom, in Noble county, Ohio, to Whigville.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Freedom, in the county of Noble, and state of Ohio, be changed to Whigville.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
162L

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[House Bill No. 1348.]

AN ACT

To authorize the council of the village of Orrville to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Orrville, Wayne county, Ohio, is

hereby authorized and empowered to transfer the sum of twelve hundred dollars from the general fund to the street lighting fund.

SECTION 2. This act shall take effect from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
165L

[House Bill No. 1349

AN ACT

To repeal an act entitled "An act to divide Napoleon township, Henry county, Ohio, into two election precincts," passed March 25, 1890 (O. L., vol. 87, page 23).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to divide Napoleon township, Henry county, Ohio, into two election precincts," passed March 25, 1890, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
164L

[House Bill No. 1356.]

AN ACT

To authorize the council of the incorporated village of Coshocton to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Coshocton, Coshocton county, Ohio, be, and are hereby authorized to transfer the following funds: From the right of way fund the sum of six hundred dollars ($600). From the paving fund the sum of five hundred ($500) dollars, and from the general fund the sum of fifteen hundred ($1,500) dollars, to the street improvement fund.

SECTION 2. This act to take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
165L

[House Bill No. 1357.]

AN ACT

To authorize the commissioners of Coshocton county, Ohio, to build a bridge across the Walhonding river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Coshocton county, Ohio, be, and are hereby authorized and empowered to build a bridge across the Walhonding river at what is known as Denman's ford, in Bethlehem township, in said county at a cost not exceeding fifteen thousand ($15,000) dollars.

SECTION 2. This act shall be in force and effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
166L

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[House Bill No. 1359.]

AN ACT

To change the name of John Wesley Snell.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of John Wesley Snell, a resident of Darke county, Ohio, be and the same is hereby changed to that of John Wesley Ross.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
167L

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[House Bill No. 1409.]

AN ACT

To authorize the trustees of Tully township, Marion county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Tully township, Marion county, are hereby authorized to transfer the sum of fifty dollars from the general township fund to the English sparrow fund.

SECTION 2. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 10, 1891.
168L

[House Bill No. 1480.]

AN ACT

To authorize the council of the city of Xenia, Ohio, to transfer by ordinance the sum of fifteen hundred dollars from the interest and sinking to the bridge fund of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of making funds available for the construction and repair of bridges in the city of Xenia, Greene county, Ohio, the council of said city be and it is hereby authorized by ordinance to transfer from the interest and sinking fund of said corporation to the bridge fund thereof the sum of fifteen hundred ($1,500.00) dollars.

SECTION 2. This act shall take effect upon its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 13, 1891.
169L

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[Senate Bill No. 518.]

AN ACT

To authorize the members of the school board of Rardon special school district of Scioto county, Ohio, to levy a tax to pay indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the members of the school board of the special school district of Rardon, Scioto county, Ohio, be and they are hereby authorized to levy in addition to the amount now allowed by law, a tax of not to exceed three mills on the dollar for one year, for the purpose of paying indebtedness incurred in building school-house, and other incidental expenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
170L

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[Senate Bill No. 546.]

AN ACT

Providing for the removal of bodies from an abandoned graveyard in Circleville, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That lots Nos. 115 and 116 on the original plat of Circleville, Pickaway county, deeded by the director of the town of Circleville, by order of court, made in the year 1810, to the trustees of the Lutheran church, of Circleville,

for a burial ground, having been virtually abandoned for burial purposes, no interments having been made therein since about the year 1857, and the city council of the city of Circleville having, by ordinance, prohibited the burial of the dead in said graveyard, because being located almost in the center of said city, it was no longer considered desirable or suitable as a burial place, and the larger portion of the bodies there buried having been removed therefrom to other cemeteries, the trustees of the Evangelic Lutheran church, of Circleville, Ohio, and the trustees of the Evangelic Lutheran Trinity church, of Circleville, Ohio, be and they are hereby authorized to remove the remains of the dead buried upon lots Nos. 115 and 116, herein described, to the Circleville cemetery, after giving thirty days' notice of the intention thereof by publication in one or more newspapers published in said city, and granting the right to any person or persons who have relatives or friends buried in said unused burying ground to remove the remains within said thirty days. The said trustees are also authorized and required to remove all monuments and tombstones from said lots Nos. 115 and 116, and properly and securely replace them over the remains to which they belong when removed and reinterred in Circleville cemetery. The cost of removing and reinterring the remains, and removing and replacing the monuments and tombstones, to be paid by the trustees of said churches.

SECTION 2. That the trustees of said Evangelic Lutheran church, and the trustees of said Evangelic Lutheran Trinity church are further authorized after the remains, monuments and tombstones shall be removed from said lots Nos. 115 and 116, as herein provided, to sell and convey said lots, upon such terms and conditions as they may deem advisable.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
171L

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[Senate Bill No. 555.]

AN ACT

To change the name of Peter Finigan.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Peter Finigan, a resident of Clinton county, Ohio, be and is hereby changed to that of Charles R. Lewis, but that said change of name shall not in any way affect any of the rights, privileges or liabilities of said person.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
172L

[House Bill No. 974.]

AN ACT

To amend section 9 of an act passed February 28, 1890 (87 O. L., pp. 416, 417 and 418), entitled "An act to authorize the trustees of Washington township, in Van Wert county, Ohio, to levy taxes to improve public highways in said township."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 9 of an act entitled an act to authorize the trustees of Washington township, in Van Wert county, Ohio, to levy taxes to improve public highways in said township be amended so as to read as follows:

Sec. 9. The rate of tax so fixed by said township trustees shall not apply or be assessed or collected from the property included within the limits of any incorporated village within such township. And such taxes shall be expended within the township outside of said villages; and provided, that after the trustees of said township have made the levy and commenced and continue to improve the public highway as herein provided, the property in said township shall be exempt from any levy by the commissioners of said county for the purpose of constructing, maintaining or improving roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
173L

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[House Bill No. 1052.]

AN ACT

To authorize the trustees of Madison township, Lake county, to abandon a cemetery in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Madison township, Lake county, Ohio, be and the same are hereby authorized and required to abandon the cemetery in said township known as the Turney cemetery, situated near Turney corners, about one mile east of Madison village in said township, pursuant to the provisions of section[s] 7913—23 of the Revised Statutes of Ohio, as passed March 15, 1876.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
174L

[House Bill No. 1142.]

AN ACT

To authorize the trustees of Bedford township, Coshocton county, Ohio, to raise funds for the purpose of erecting a township house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Bedford township, Coshocton county, Ohio, are hereby authorized to levy a tax upon the taxable property of said township to raise a fund not exceeding the sum of six hundred dollars, and to expend the same in the erection of a township house in said township.

SECTION 2. This act shall be in force and effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
175L

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[House Bill No. 1305.]

AN ACT

To authorize the commissioners of Hamilton county to provide for the construction of a bridge across the west fork of Mill creek.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to levy on all the taxable property in said county, in addition to the taxes now by the law authorized to be levied thereon, a tax of one-thirtieth ($\frac{1}{30}$) of a mill on the dollar valuation on the grand duplicate, of all taxable property in said county, for the year 1891, and to certify the same to the county auditor on or before the first Monday of June, 1891; said tax to be used in constructing a bridge, substructure, superstructure with the necessary approaches thereto, across the west fork of Mill creek in said county at a point where Rawlston avenue is laid out by the platting commission, as crossing said stream so as to lead into Borden street, as laid out by said commission.

SECTION 2. The money arising from said tax shall be expended by and under the direction of the board of county commissioners of Hamilton county, for the purpose of constructing said bridge, with the substructure, superstructure and the approaches thereto, and for no other purposes whatsoever, nor shall any part of said money be transferred to any other fund, or be diverted from the object expressed herein.

SECTION 3. The said board of county commissioners are hereby authorized, in anticipation of the collection of said tax, to prepare plans and specifications for said bridge, and to make contracts for the construction of the same.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
176L

[House Bill No. 1311.]

## AN ACT

**To authorize the city of Newark, Ohio, to borrow money and issue bonds for fire department purposes.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Newark, Ohio, be and they are hereby authorized and empowered to issue bonds of the city of Newark, in an amount not exceeding $6,000, for the purpose of purchasing suitable ground and erecting buildings thereon for the fire department in said city of Newark; and also for the purpose of enlarging the fire department in east Newark, in said city.

SECTION 2. Said bonds shall be of such denomination and payable at such times and bear interest at such rate, not exceeding six per cent. per annum payable semi-annually, as the council of said city shall direct, but said bonds shall not be sold for less than par value. Provided, however, that before such bonds or any of them shall be issued the question of issuing the same shall be submitted to a vote of the qualified electors of such city at a special election to be held at such time as the council of such city shall appoint. The tickets voted shall have written or printed thereon the words: Authority to issue bonds—Yes; Authority to issue bonds—No; if the proposition to issue bonds be approved by a majority of those voting upon the proposition, the council of said city shall have authority to issue such bonds for the purpose named, as provided in this act.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said city in addition to that which is otherwise authorized by law, to such an amount as shall be necessary to the payment of principle [principal] and interest of said bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
177L

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[House Bill No. 1274.]

## AN ACT

**To authorize the village of Anna, in Shelby county, Ohio, to issue bonds to purchase and build the necessary outfit for a fire department.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Anna, in Shelby county, Ohio, be and the same is hereby authorized to issue the bonds of said village in any sum not exceeding five thousand dollars and bearing interest at a rate not exceeding six per cent. per annum from the date of their issue, payable semi-annually, the proceeds of said bonds to be used in purchasing a fire engine and hose, in constructing cisterns for the use of the fire department of said village, and in providing suitable buildings in which to keep said apparatus.

Said bonds shall be of such denominations and shall mature at such times as said council shall determine; provided said bonds shall not be sold for less than their par value.

SECTION 2. Said council is hereby authorized to levy such amount of tax upon the taxable property of said village, as may be necessary to pay the principal and interest of such bonds when the same become due; said taxes to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate*

Passed March 16, 1891.
178L

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[House Bill No. 1380.]

AN ACT

To authorize the council of the incorporated village of Ottoville, Putnam county, Ohio, to issue and sell its bonds for the purposes herein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Ottoville, in the county of Putnam and state of Ohio, be and it is hereby authorized and empowered to issue and sell the bonds of said village in any sum not to exceed the sum of five thousand dollars ($5,000) for the purposes of purchasing a site, and erecting thereon a building, for use of the officers of said village and for fire and police purposes, and for the purpose of procuring fire apparatus for said village.

SECTION 2. Said bonds when issued and sold shall not bear interest at a rate exceeding 6% per annum, the interest to be paid semi-annually, and shall be of the denominations of five hundred dollars each, and shall be made payable at the Ottawa Exchange bank, Ottawa, Ohio, and shall mature as follows: One thousand dollars on the first days of July of the years 1896, 97, 98, 99, and 1900, respectively. Said bonds shall not be sold for less than par, and the proceeds of the sale of said bonds shall be used only for the purposes as stated in section 1, of this act.

SECTION 3. Said bonds shall be signed by the mayor, and attested and registered by the clerk of said village and shall express upon their face the purpose for and the act under which issued. When said bonds are sold, the proceeds thereof shall be paid to the treasurer of said village, who shall hold and disburse the same as other village funds.

SECTION 4. After the issuance of the bonds as herein provided for, it shall be the duty of the council of said village annually thereafter, to assess and levy such amount of tax as is necessary in addition to that now authorized by law upon all the taxable property of and in said village, sufficient to provide for the payment of the principal and interest of said bonds when due and payable, and said taxes shall be collected as other taxes of said village.

SECTION 5. The council of said village are further authorized to sell said bonds either at public or private sale as they may deem proper.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 16, 1891.
179L

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[House Bill No. 1336.]

AN ACT

To divide Jackson township, in the county of Shelby, state of Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Jackson, in the county of Shelby, state of Ohio, be and the same is hereby divided into two election precincts, as follows, to-wit: Said division to be made by a line drawn south from the Auglaize county line through the center of section 33, town 6, south range 7, east, and on through sections 4, 9, 16, 21, 28 and 33, town seven (7), south range seven (7), east to the Salem township line. And all of said township lying west of said division line, shall be designated and known as Montra precinct, and the voting place shall be at the village of Montra in said township. And all of said township lying east of said division line, shall be designated and known as the Jackson Center precinct, and the voting place shall be at the village of Jackson Center, in said township.

SECTION 2. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
180L

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[House Bill No. 1411.]

AN ACT

To divide Madison township, in the county of Williams, state of Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Madison, in the county of Williams, state of Ohio, be and the same is hereby divided into two election precincts, as follows, to-wit: Said division to be made on and along a straight line beginning at the north east corner of section thirteen (13) and running diagonally south-west through sections 13, 23, 27, 33 and 5, crossing at the south-west corner of section No. 5 of town 10 and terminating at the south line of said township, in section No. 7, town 10 south of range 2 west. And all of said township lying south-east of said division line shall be designated and known as the Kunkle precinct, and the voting place shall be at the village of

Kunkle in said township. And all of said township lying north-west of said division line shall be designated and known as the Pioneer precinct, and the voting place shall be at the village of Pioneer, in said township.

SECTION 2. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
181L

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[House Bill No. 1413.]

AN ACT

To authorize the commissioners of Wayne county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Wayne county, Ohio, be and they are hereby authorized to transfer the sum of six thousand ($6,000.00) dollars from the bridge fund to the general county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
182L

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[House Bill No. 1416.]

AN ACT

To authorize the incorporated village of Ashville, in Pickaway county, Ohio, to borrow money and issue bonds for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Ashville, Pickaway county, Ohio, be and they are hereby authorized and empowered to issue the bonds of said village, in an amount not exceeding eight hundred dollars ($800.00), for the purpose of paying the cost and expense of constructing sewers in said village.

SECTION 2. Said bonds shall be of such denomination and payable at such times and bear interest at such rate, not exceeding six per cent. per annum, payable semi-annually, as the council of said village may direct; but said bonds shall not be sold for less than their par value.

SECTION 3. For the purpose of paying said bonds and interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village in addition to that otherwise authorized by law, to such an amount each year, during the running of said bonds, as shall be necessary to the payment of the principal and interest of such bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
183L

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[House Bill No. 1420.]

AN ACT

To authorize the village council of the village of Swanton, Fulton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of Swanton, Fulton county, Ohio, be and hereby is authorized to transfer to the street fund, any or all of the building, fire, and water-works funds of said corporation.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
184L

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[House Bill No. 1423.]

AN ACT

To authorize the council of the village of Nelsonville, Athens county, Ohio, to issue bonds for the purpose of providing said village with water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Nelsonville, in Athens county, Ohio, be and is hereby authorized to issue the bonds of said village in any sum not exceeding sixty thousand dollars, in denominations not exceeding five thousand dollars each, and bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, for the purpose of constructing and providing said village with water-works.

SECTION 2. Said bonds shall be signed by the mayor, countersigned by the clerk and authenticated with the seal of said village; they shall not be sold for less than their par value with accrued interest. The principal of said bonds shall be payable at such times as the council of said village may determine by ordinance within a period not exceeding thirty years from date of issue. Said bonds shall be payable at such place or places as the council of said village may designate by resolution.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village for the purpose of constructing, providing and paying for water-works for said village, which water-works when completed shall be used, operated and controlled in such manner as may be prescribed by law and the ordinances of said village.

SECTION 4. For the purpose of paying said bonds and the interest thereon at the maturity thereof, the council of said village is hereby authorized and required to levy annually upon all the taxable property of said village of Nelsonville, a tax sufficient in rate and amount in addition to the amount already allowed to be levied by law. Said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 5. Said bonds shall not be issued nor said taxes levied until the question shall have been submitted to the voters of said village at a special or general election, of which at least ten days' notice shall be given by advertisement in a newspaper of general circulation in said village. At said election the voters desiring to vote in favor of issuing said bonds and levying said tax shall have written or printed on their ballots the words, "Water-works bonds—Yes;" and all voters desiring to vote against issuing said bonds and levying said tax shall have written or printed on their ballots the words, "Water-works bonds—No." If a majority of the votes cast at said election shall be favorable to the issuing of said bonds and levying said tax, then said bonds shall be issued and said tax levied as provided in this act.

SECTION 6. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections, and the clerks and judges of said election shall certify to the council of said village the result of the same.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
185L

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[House Bill No. 1424.]

AN ACT

To authorize the council of the village of Nelsonville, in Athens county, Ohio, to issue bonds for the purpose of providing said village with a system of sewerage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Nelsonville, in Athens county, Ohio, be and is hereby authorized to issue the bonds of said village in any sum not exceeding twenty thousand dollars, in denominations not exceeding five thousand dollars each, and bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, for the purpose of constructing and providing said village with a system of sewerage.

SECTION 2. Said bonds shall be signed by the mayor, countersigned by the clerk and authenticated with the seal of said village; they shall not be sold for less than their par value with accrued interest. The principal of said bonds shall be payable at such times as the council of said village may determine by ordinance within a period not exceeding thirty years from date of issue. Said bonds and interest shall be payable at such place or places as the council of said village may designate by resolution.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village for the purpose of constructing, providing and paying for a system of sewerage for said village, which system of sewerage when completed shall be used, operated and controlled in such manner as may be prescribed by law and the ordinances of said village.

SECTION 4. For the purpose of paying said bonds and the interest thereon at the maturity thereof, the council of said village is hereby authorized and required to levy annually upon all the taxable property of said village of Nelsonville, a tax sufficient in rate and amount in addition to the amount already allowed to be levied by law; said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 5. Said bonds shall not be issued nor said tax levied until the question shall have been submitted to the voters of said village at a special or general election, of which at least ten days' notice shall be given by advertisement in a newspaper of general circulation in said village. At said election the voters desiring to vote in favor of issuing said bonds and levying said tax shall have written or printed on their ballots the words, "Sewerage bonds, Yes;" and all voters desiring to vote against the issuing of said bonds and the levying of said tax shall have written or printed on their ballots the words, "Sewerage bonds, No." If a majority of the votes cast at said election shall be favorable to the issuing of said bonds and levying said tax then said bonds shall be issued and said taxes levied as provided by this act.

SECTION 6. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections and the clerks and judges of said election shall certify to the council of said village the result of the same.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
186L

[House Bill No. 1420.]

AN ACT

To authorize the city of Columbus to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city auditor of the city of Columbus, be and he is hereby authorized and empowered to transfer to the sewers and drainage fund of said city, the balance of the Franklin park sewer fund, being one thousand seven hundred seventy-one and $\frac{28}{100}$ dollars, and the balance of the Parsons avenue sewer fund, being seven hundred sixty-two and $\frac{60}{100}$ dollars; also, to the general expense fund of said city of Columbus, the balance of the Randolph street sewer fund, being five thousand two hundred sixty-one and $\frac{66}{100}$ dollars.

SECTION 2. That an act entitled "An act to authorize the council of Columbus to transfer certain funds," passed April 18, 1890, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
187L

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[House Bill No. 1433.]

AN ACT

To authorize the council of the village of Harrison, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Harrison, Hamilton county, Ohio, be and they are hereby authorized to transfer the sum of six hundred ($600.00) dollars from the marshal and police fund to the street and alley fund and the sum of four hundred ($400.00) dollars from the fire department fund to the street and alley fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
188L

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[House Bill No. 1434.]

AN ACT

To transfer certain school territory in Smithfield township, Jefferson county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the north part of lot 3, section 4, tract 8, range 3, of Smithfield township, Jefferson county, containing about 41 acres (now owned by William B. Naylor) and situated in sub-school district No. 2 of said township, be and the same is hereby transferred to special or independent district No. 3, of said Smithfield township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
189L

[House Bill No 1438.]

AN ACT

For the relief of Henry B. Shoup, Peter Filbrun and John C. Finley.

WHEREAS, Henry B. Shoup, Peter Filbrun and John C. Finley, as trustees of Wayne township, Montgomery county, Ohio, by mistake of law, caused to be paid out of the funds of said township, the sum of $320, for the opening of a certain township road, leading from the Troy pike to the Brant pike, which said sum they were compelled to refund to said township; and

WHEREAS, It is desired that the voters of said township may have an opportunity to vote on a proposition for the relief of said above named; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Wayne township, Montgomery county, Ohio, be and they are hereby authorized and empowered to submit to the electors of said township, at the April election in 1891, the question of the relief of Henry B. Shoup, Peter Filbrun and John C. Finley, by refunding to them the sum of $320, which they were compelled to pay into the treasury of said township, by reason of their mistake, as trustees of said township, in using the funds of said township for the opening of a township road.

SECTION 2. Said proposition shall be submitted in the form following, and the form of the ballots shall be "For relief—Yes;" "For relief—No." The trustees shall provide a separate ballot-box for such ballot.

SECTION 3. If three-fifths of the electors voting at said election shall vote in favor of relief, it shall be the duty of the trustees of said township to cause to be paid, out of the funds of said township, to said Henry B. Shoup, Peter Filbrun and John C. Finley, said sum of three hundred and twenty dollars, and for such purpose the said trustees are hereby authorized to levy a tax, if found necessary sufficient to meet the same in addition to the other taxes now by law authorized by them to be levied.

SECTION 4. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
190L

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[House Bill No. 1441.]

AN ACT

To provide for the transfer of certain funds by the council of the village of Payne, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Payne, Paulding county, Ohio, is hereby authorized to transfer one hundred and fifty-one dollars and eighty-two cents from the interest, and twenty-nine dollars and sixty-nine cents from the special fund, of said village to the general fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
191L

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[House Bill No. 1449.]

## AN ACT

**To authorize the council of the village of Bluffton, Allen county, Ohio, to issue bonds for the purpose of providing natural gas for said village.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Bluffton, in Allen county, Ohio, be and the same hereby is authorized to issue the bonds of said village in any sum or sums not exceeding five thousand ($5,000.00) dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of providing funds to defray the expense for providing natural gas for said village; provided, however, that no bonds shall be issued or tax levied under the provisions of this act until the question of issuing said bonds shall have been submitted to the qualified electors of said village at an election to be held at such time after passage of this act as the village council may determine; and ten days' notice of such election and submission shall be given by the mayor of said village in one or more newspapers published therein, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding said election; and if a majority of the electors, voting at such election upon the question of issuing the said bonds, vote in favor thereof, then the said bonds may be issued and the said tax levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words: "For the issue of bonds;" and those voting against the same, the words: "Against the issue of bonds."

SECTION 3. The principal of said bonds shall be payable at such places and at such times, not exceeding ten years from the date of issue, as the council of said village may by ordinance determine; and the said council is hereby authorized to levy a tax upon all the taxable property of said village, to pay said bonds and interest; but such tax shall not exceed two mills on the dollar in any one year.

SECTION 4. Said bonds shall be issued in such sums as the village council of said village may by ordinance determine, and shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
192L

[House Bill No. 1467.]

## AN ACT

**To authorize the trustees of certain townships, in Fulton county, Ohio, to levy taxes to improve public highways in said townships.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the several townships to-wit: German, Clinton and York, in the county of Fulton, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding four (4) mills, in any one year, upon the dollar valuation of the taxable property of said townships, in addition to other taxes authorized by law, for the purpose of improving, by macadamizing or graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said townships, and for no other purpose.

SECTION 2. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township, and collected by the county treasurer as other taxes, and when collected, shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof, for the purpose of improving, by macadamizing or graveling, the public highways.

SECTION 3. The board of trustees shall, upon the levy being made, designate the roads to be improved, which shall be, first, the main and leading roads of the township, and upon which the material can be most easily procured. The board of trustees, after having determined which roads are to be improved, shall examine such roads and ascertain if the proposed roads are sufficiently graded and drained, and if such be not the case, they may take to their assistance a competent surveyor or engineer, whose duty it shall be to make, under the direction of the board of trustees, a survey and level of the roads so selected, fix the grade of the road, and the grade and capacity of the drains on the side thereof. The trustees shall cause to be constructed all necessary culverts on such roads, fix the width of the graveled or macadamized track, not less than twelve feet, nor more than sixteen feet, and the depth thereof, not less than eight inches nor more than twelve inches in the center and the slope from the center to the sides. The trustees may consolidate the road districts through which any such proposed road improvement passes, and direct the supervisors of such road district to work the two days' labor in such district in hauling the material, such as crushed stone or gravel upon such road. The work of hauling the material upon the road in such road district, shall be under the supervisor of such district, but be performed in such manner as shall be prescribed by the trustees.

SECTION 4. A majority of the board of trustees shall be necessary to order the said road improvement, and the work of the construction and the furnishing of the material for such road improvement, shall be publicly let, excepting such work as may be done by the supervisors of the road district as herein provided. The contracts for material to be used in the construction of said road improvement and the contracts for hauling said material upon the roads shall be let separately.

SECTION 5. The trustees, after having given public notice of the time and place of such letting, for at least two weeks, in a newspaper of general circulation in the township or county, or by handbills, or both, at the

discretion of the board of trustees, specifying the kind and quality of the material, and the part of the road upon which the same is to be used, shall let the same to the lowest bidder, who shall give bond to the acceptance of the trustees. The bids for the material and for the work of hauling the same shall be separately stated, and the trustees may reject any or all bids. The trustees shall examine and accept the work when completed, and ascertain the amount of material furnished under the provisions of this act, and if found in all respects correct, shall draw an order for the amount due for work, or for material used, upon the township treasurer, which shall be countersigned by the township clerk.

SECTION 6. The board of trustees may appoint one of their number, or some other suitable person who shall oversee the work, and for services rendered under the provisions of this act, they shall be entitled to receive for each day actually employed, the sum of one dollar and fifty cents per day. And the trustees shall provide for the township clerk a suitable book in which there shall be kept a complete record of the business transacted under the provisions of this act, and it is hereby made his duty to keep a full and complete record of the action of the board of trustees under this act, and the township clerk, for making said record, shall be entitled to receive ten cents per hundred words, and for all other services such reasonable compensation as may be allowed by the board of trustees.

SECTION 7. The fees of the township officers, the engineer, and the person who may be appointed by the board of trustees under the provisions of this act, shall be paid out of the township road fund. But before any payment shall be made for services rendered under the provisions of this act, the person entitled thereto shall make out and file with the township clerk an itemized account of his services, whereupon the trustees shall, if they find the same correct, draw an order on the township treasurer, countersigned by the township clerk.

SECTION 8. The roads graveled or macadamized under the provisions of this act shall be free to the public travel, and shall be kept in repair by the trustees, out of the funds that come into the township treasury from the county treasurer, as provided for in section one thousand four hundred and fifty-nine (1459) of the Revised Statutes of Ohio.

SECTION 9. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
193L

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[House Bill No. 1472.]

AN ACT

To authorize the council of Holgate, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Holgate, Henry county, Ohio, be and is hereby authorized to transfer two thousand dollars ($2,000.00) from the corporation fund and fifteen hundred dollars ($1,500.00) from the clerk and marshal fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
194L

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[House Bill No. 1501.]

AN ACT

To authorise the council of the city of Wooster, Ohio, to transfer money from the police fund to the fire and street funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Wooster, Ohio, be and the same is hereby authorized to transfer three hundred dollars from the police fund to the fire fund, and two hundred dollars from the same fund to the street fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate*

Passed March 17, 1891.
195L

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[House Bill No. 1484.]

AN ACT

To authorize the village council of the incorporated village of McConnelsville, Ohio, to issue and sell bonds to seat complete and finish the town hall and public offices in course of construction in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of McConnelsville, Morgan county, Ohio, be and the same hereby is authorized and empowered to issue the bonds of said village to such amount, not exceeding twelve thousand dollars ($12,000), as may be necessary to seat complete and finish the town hall and public offices now in course of construction in and for said village; said bonds to be in denominations not exceeding five hundred dollars ($500) each, bearing interest at five per cent. per annum, payable semi-annually, at the treasurer's office in said village, and to mature at such time as said village may designate not exceeding thirty years from date thereof, and to be sold at not less then their par value, one thousand dollars of the proceeds of said bonds to be used for the purpose of seating said town hall and for no other purpose.

SECTION 2. No bonds shall be issued for said purpose until the question of their issue shall have been submitted to the qualified electors of said village, after five days notice thereof has been given for said election, at a regular or special election. The tickets to be voted shall contain the

words, "Bonds for completion of town hall—Yes" or "No," and if a majority of the votes cast at said election are in favor of the issuing of said bonds, then the council may proceed to issue and sell said bonds and not otherwise.

SECTION 3. The said council of said village is hereby authorized and required to levy a tax on all the taxable property of said village, to pay the said bonds with the interest thereon as they may become due, which levy shall be placed on the tax duplicate by the auditor of said Morgan county and collected as other taxes, and when so collected, the said auditor shall pay the same to the treasurer of said village.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 17, 1891.
196L

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[Senate Bill No. 560.]

AN ACT

To authorize and require the commissioners of Scioto county to levy a tax sufficient to raise a sum not to exceed thirty-three thousand dollars for the purpose of constructing a free turnpike from the Scioto river bridge west and north-west, to the hills.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Scioto county be and they are hereby authorized and required to levy a tax sufficient to raise a sum not to exceed thirty-three thousand dollars, for the purpose of constructing a free turnpike from the Scioto river bridge at the west end of Second street, city of Portsmouth, west, north-west along the line of present turnpike to Union mills, to the elbow lock on the Ohio canal, and thence west on the cheapest route to the county road as near as may be practicable midway between the mouth of Cary's run and the Union mills.

SECTION 2. The road authorized by this act shall be so constructed as to afford unobstructed travel until there is a stage of fifty feet above low water in the Ohio river by the marks in the city of Portsmouth.

SECTION 3. The residue of the fund so raised by the tax provided for in this act, if any, shall be credited to the turnpike repair fund, or if not needed in said fund, then to the payment of any outstanding indebtedness of the county.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
197L

[Senate Bill No. 586.]

AN ACT

To authorize the trustees of Salem township, Muskingum county, to transfer certain funds known as hall funds, to the general township fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Salem township, Muskingum county, be and they are hereby authorized to transfer the balance of any fund or funds raised for the purpose of erecting a township hall, or for paying any debt incurred in building the same, to the general township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
198L

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[Senate Bill No. 603.]

AN ACT

Supplementary to an act entitled "An act supplementary to an act entitled an act to provide for the erection of bridges over Mill creek, and the Cincinnati, Hamilton & Dayton railroad, in Hamilton county," passed May 4, 1877 (O. L. vol. 74-503, as amended O. L. vol. 77-369, and O. L. vol. 84-356, supplemented O. L. vol. 86-580, and amended and supplemented in O. L. vol. 87-547).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following be, and the same is hereby enacted as additional and supplementary to the act of May 4, 1877, O. L. vol. 74-503, as amended in O. L. vol. 77-369, as amended in O. L. vol. 84-356, as supplemented in O. L. vol. 86-580, and as amended and supplemented in O. L. vol. 87-547.

SECTION 2. The board of commissioners of Hamilton county, Ohio, be and is hereby authorized, and shall have full power, anything in any enactment to the contrary, notwithstanding, to appropriate and condemn the property necessary for the opening and widening of Liberty street in the city of Cincinnati, between Wallace street and State avenue, to such width as in the judgment of said board of county commissioners shall be necessary, to accommodate the public travel along and upon said Liberty street, between Wallace street and State avenue, which necessary property shall be appropriated, and the owners thereof compensated in accordance with the law in force, providing for compensation to the owners of private property appropriated by municipal corporations, for the purpose of opening, widening, straightening and extending streets, alleys and avenues within such corporations.

SECTION 3. The said board of county commissioners of Hamilton county, shall by the county solicitor, make written application to the court of common pleas, and the court shall direct the summoning of a jury in the manner provided in chapter 3, division 7, title 12 of the Revised Statutes, to make inquiry into, and assess the amount of compensation to be paid to the owner or owners of said property hereby

appropriated, and all proceedings thereafter shall be conducted in accordance with, and subject to the provisions contained in chapter[s] 2, 3 and 4, div. 7, title 12, of the Revised Statutes in so far as the same may be applicable.

SECTION 4. That the cost of the property hereby authorized to be appropriated in excess of that provided for in sec. 2 of this act, shall be paid out of the proceeds of the sale of the bonds, provided for in sec. 2 of the act of April 3d, 1889, to which this act is supplementary, as a part of the cost of said improvement, and the extension thereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
199L

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[House Bill No. 1435.]

AN ACT

**To authorize the council of the incorporated village of Wadsworth, Medina county, Ohio, to issue bonds for the purpose of improving the streets of said village.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Wadsworth, Medina county, Ohio, be, and is hereby authorized to issue and sell the bonds of said village, for any sum not to exceed three thousand dollars ($3,000) and use the proceeds of such sale for the improvement of the streets of said village.

SECTION 2. That said bonds shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value, in denominations of not more than five hundred dollars ($500) and payable in at least six years after the date of issue.

SECTION 3. That the said council is hereby authorized to levy such a tax on all the taxable property of said village, as will be necessary to pay the bonds and interest as the same shall become due.

SECTION 4. Provided, however, that before said bonds are issued, or such tax levied, the council shall submit the question of issuing said bonds to the qualified electors of said village, at a general or special election, by giving at least ten days notice by posting written or printed notices in five public places in said village[s]. At such election the voters wishing to vote for the issue of bonds shall have written or printed on their ballots the words: "Street improvement bonds—Yes," and the voters wishing to vote against the issue of bonds shall have written or printed on their ballots the words, "Street improvement bonds—No," and if a majority of all the votes cast on said question are in favor of the same, then said council is authorized to issue the bonds and levy the tax as provided in this act, but not otherwise.

SECTION 5. This act shall take effect and be in force on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
200L

[House Bill No. 1479.]

AN ACT

To authorize the council of the village of Canfield, Mahoning county, to issue bonds and to levy a tax for the purpose of erecting a vault in the cemetery of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Canfield, Mahoning county, be and it is hereby authorized and empowered to issue the bonds of said village for any sum not to exceed five hundred dollars ($500.00), for the purpose of erecting a vault within the cemetery of said village. Said bonds shall bear interest at a rate not to exceed six per centum per annum, and shall be issued in such denominations and payable at such time or times as said council may deem advisable. They shall be signed by the mayor of said village and countersigned by the clerk thereof, and shall not be sold for less than their par value.

SECTION 2. The council of said village is hereby authorized to cause the necessary taxes to be levied on all the taxable property of said village to pay the principal and interest of said bonds, as the same shall become due, in the manner provided by law for the levying and collecting of taxes. The trustees of said cemetery shall have full control of the supervision and erection of said vault.

SECTION 3. The question of issuing said bonds and levying said tax shall first be submitted to a vote of the qualified electors of said village at a regular or special election of which at least ten days notice shall be given by publication in a newspaper published within the limits of said village, of the time and place of holding said election, and also by written or printed notices of the same posted in at least three public places in said village. At such election the ballots shall have written or printed thereon, "Vault tax—Yes" or "Vault tax—No," and if it shall appear that a majority of the electors voting at such election shall favor the issue of said bonds and the levy of said tax, then said council shall proceed to issue said bonds and levy said tax, but not otherwise.

SECTION 4. Said election shall be held and controlled as other elections under the laws and ordinances governing said village.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
201L

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[Senate Bill No. 561.]

AN ACT

To change the name of William Henry Fuchs, to William Henry Fox.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William Henry Fuchs (unmarried), a resident of Cuyahoga county, Ohio, be and the same is hereby changed so as to be and read as follows, to-wit: William Henry Fox.

SECTION 2. That such name shall in no wise affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
202L

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[Senate Bill No. 585.]

AN ACT

**To authorize the trustees of Seneca township in Seneca county, and the trustees of Tymochtee township in Wyandot county, to buy and maintain a cemetery.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of the townships of Seneca in Seneca county, and tym ochtee in Wyandot county, are hereby authorized to purchase for the joint and equal benefit of said townships, the cemetery grounds lying a short distance, namely, about one mile north of McCutchenville in said counties, and on the east side of the so-called Tiffin and Upper Sandusky state road, and now owned and controlled by the McCutchenville cemetery association; also authorized to jointly keep up, beautify, maintain and add to said grounds, and the trustees of said society or association are hereby authorized to sell at private sale and to convey said grounds to said townships for such sums as they deem proper, and turn over and surrender to said townships all interest in and control over said present cemetery grounds by said society; provided, however, said trustees shall not pay for said grounds more than twelve hundred dollars; and further provided, that said townships shall contribute in case of such purchase, equally toward the purchase price of said original grounds and of any additions made by said trustees, and also toward beautifying, keeping up and maintaining said grounds, and if said purchase is so made, said grounds shall be a joint township cemetery of said townships.

SECTION 2. That in case of such purchase, the trustees shall, in their respective townships, make the levies necessary in addition to that now authorized by law on the taxable property in their respective townships, to pay any sums by them in joint session agreed or ordered to be paid, each township providing for and paying one-half, and each board making their own levy.

SECTION 3. That all orders, resolutions and acts, made or done by said trustees under the authority of this act, except the making of said levy, shall be in joint session held in the town of McCutchenville, in either of said townships; and such meeting may be called by either of said boards, by adopting a resolution to that effect, naming the time and place and causing a certified copy thereof to be delivered to the clerk of the other township at least five days prior to the time of meeting so fixed; and such clerk shall forthwith cause a copy of such resolution to be delivered to each of the trustees of his township, and it shall be the duty of the trustees so notified to attend such meeting, and when the joint

board meets, a chairman and clerk of their number shall be chosen at each meeting, and a complete record shall be kept of their proceedings and signed by a majority of the trustees composing each board, and the same shall be kept and signed in duplicate and transcribed into the proper records of each township in which the proceedings of the trustees are recorded; and a majority of the trustees of each township shall be required to constitute a quorum of said joint board; and no act of said joint board, of whatever character requiring the action of the joint board shall be of any force or validity unless concurred in by a majority of the trustees of each township; and the yeas and nays shall be called and taken and recorded on every question submitted for decision; said joint board may adjourn from time to time as they see fit. One-half of all debts lawfully incurred by said joint board shall be a valid claim against each of said townships respectively.

SECTION 4. This act shall take effect from and after the first day of May, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
203L

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[Senate Bill No. 589.]

AN ACT

To authorize the commissioners of Putnam county, Ohio, to issue bonds and levy taxes for the purposes herein provided.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Putnam and state of Ohio be and they are hereby authorized to issue the bonds of said county in an amount not exceeding the sum of eighteen thousand dollars for the purposes of paying existing indebtedness of said county in what is known as the "county fund" and for the further purpose of paying the current expenses of said county for county purposes.

SECTION 2. Said bonds shall be issued at such times and in such amounts and shall be made payable at any time within six years from the date of their issue, as said board of county commissioners may determine. Said bonds shall bear interest at a rate not exceeding 6 per cent. per annum payable semi-annually and shall in no case be sold for less than their par value, but said board of county commissioners may dispose of said bonds at public or private sale as they may deem proper.

SECTION 3. That for the purposes of providing a fund to pay the principal and interest of said bonds, the said commissioners of said county are hereby authorized in the years of 1891, 1892, 1893, 1894, 1895, and 1896 to levy a tax in addition to that now provided by law, not exceeding one mill on the dollar for county purposes, upon all the taxable property in the county. The principal and interest of said bonds when issued as aforesaid to be made payable at the county treasurer's office in said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
204L

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[Senate Bill No. 590.]

AN ACT

To authorize the council of the incorporated village of Ottawa, Putnam county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Ottawa, Putnam county, be and the same is hereby authorized to transfer the sum of fifteen thousand dollars ($15,000.00), from the gas fund of said village to the investment fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
205L

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[Senate Bill No. 604.]

AN ACT

To authorize the commissioners of Scioto county to survey and cut a ditch on the lands of Henry Lockhart in Nile township from Pond run to the Ohio river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Scioto county are hereby authorized to survey and cause to be constructed a ditch on the lands of Henry Lockhart in Nile township in said county from Pond run to the Ohio river on the shortest and most practicable route between the two streams. The said ditch to be cut of sufficient width and depth to carry the waters of Pond run into the Ohio river. Provided that nothing in this act shall be so construed as to authorize the commissioners to act until a sum of money sufficient to defray the expenses of survey, opening ditch and to compensate the said Henry Lockhart for the full value of all lands occupied or damage by reason of said ditch has been subscribed by the persons owning lands to be benefited by the same lying west and south of said ditch.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 20, 1891.
206L

[House Bill No. 1105.]

AN ACT

To authorize the village of St. Clairsville, Ohio, to erect or purchase an electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of St. Clairsville, Ohio, be and is hereby authorized to erect or purchase an electric light plant for the purpose of lighting the streets and to contract for lighting private and public buildings of the corporation. And for that purpose said council is hereby authorized to purchase engines, boilers, dynamos, wires, poles and all appurtenances thereunto belonging, and all materials necessary for the successful operation of same, at a total cost not to exceed the sum of ten thousand dollars ($10,000). Provided, a majority of all the electors of said village voting upon the question first declare at some regular or special election in favor thereof, said election not to be held unless a majority of the council of said village deem it advisable and necessary, and enter the same upon the minutes of their proceedings; fifteen days' notice according to law shall be given of said election, and the ballots shall have printed or written thereon "Electric light—Yes," "Electric light—No."

SECTION 2. To meet the necessary expense of such improvement said council is authorized to issue bonds of said village in the aggregate not to exceed ten thousand dollars, bearing interest not to exceed a rate of five per cent. per annum from the date of issue, interest payable semi-annually. The principal of such bonds shall be payable at such times and places as the council may determine, within a period not exceeding fifteen years, and shall be advertised and sold accordingly to law.

SECTION 3. Said council is authorized to levy a tax on the taxable property of said village in addition to what it is now authorized by law to levy, sufficient to meet the interest on said bonds and pay the principal thereof as the same becomes due.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
207L

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[House Bill No. 1021.]

AN ACT

To authorize the city council of the city of Newark, Ohio, to borrow money and issue bonds for electric light purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Newark, Ohio, be and they are hereby authorized and empowered to issue bonds of the city of Newark, in an amount not exceeding $40,000, for the purpose of purchasing the necessary machinery and apparatus for constructing an electric light plant in said city.

SECTION 2. Said bonds shall be of such denomination and payable at such times, and bear interest at such rate, not exceeding six per cent. per annum, payable semi-annually, as the council of said city shall direct, but said bonds shall not be sold at less than par value, provided, however, that before the said council shall have authority to issue said bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said city, at a regular election, notice thereof shall be given by publication in a newspaper printed and of general circulation in said city for two consecutive weeks, prior to said election; those electors who favor the issue of such bonds and the levy of such tax shall have written or printed on their ballots the words, "Issue of bonds—Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words, "Issue of bonds—No;" and if a majority of the votes cast at such election are in favor of the issue of such bonds, the council of said city shall be authorized to issue said bonds and make said levy for the purpose aforesaid.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said city in addition to that otherwise authorized by law, to such an amount each year as shall be necessary to the payment of principal and interest of said bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
208L

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[House Bill No. 1190.]

AN ACT

For the relief of James Carlin, treasurer of Miami township, Hamilton county, Ohio.

WHEREAS, The house of James Carlin, treasurer of Miami township, Hamilton county (a township not provided with a good fire and burglar proof safe), was, on the night of the 13th day of March, 1888, burglarized, and all the money he had (between eight and nine hundred dollars) stolen from him; and,

WHEREAS, Of the moneys then stolen, there were two hundred and ninety-seven (297) dollars of township moneys, and two hundred and sixteen (216) dollars of school moneys, making a total of public moneys so stolen of five hundred and thirteen (513) dollars; and,

WHEREAS, The said Carlin is poor, and has mortgaged his home and has refunded the public moneys so stolen; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Miami township, Hamilton county, are hereby authorized and required to submit to the qualified electors of said township at the annual election to be held in April, 1891, the question of relieving James Carlin as treasurer, to the said amount of five hundred and thirteen (513) dollars.

SECTION 2. That the voters of said township desiring to vote for such relief shall have written or printed on their ballots the words, "For the relief of treasurer—Yes;" those desiring to vote against such relief shall have written or printed on their ballots, "For the relief of treasurer—No."

SECTION 3. If a majority of the electors voting at said election, on said question, shall vote in favor of the same, then, and not otherwise, shall the trustees of said township draw an order in favor of the said James Carlin for two hundred and ninety-seven (297) dollars, payable out of any unexpended moneys of the township, and the board of education of said township shall draw an order in favor of the said James Carlin for two hundred and sixteen (216) dollars, payable out of the school funds raised in said township for contingent purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
209L

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[House Bill No. 1192.]

AN ACT

Authorizing the commissioners of Hamilton county, Ohio, to levy a tax to repair "Lost" bridge, over the Big Miami river, near Elizabethtown, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, Ohio, in addition to their other powers of taxation, be and they are hereby authorized to levy and collect upon the grand levy of the taxable property of said county, a tax of one-thirtieth of a mill, which shall be levied in the year 1891, for the repair of "Lost" bridge over the Big Miami river, near Elizabethtown, Hamilton county, Ohio. Any surplus remaining after said repairs are made to be applied to the repair of the approach on the west side of said bridge.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
210L

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[House Bill No. 1360.]

AN ACT

To authorize the board of county commissioners of Guernsey county, Ohio, to build a railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Guernsey county, Ohio, are hereby

authorized, as herein provided, to build and operate or lease, a standard gauge railroad, from a point at the Central Ohio railroad within half a mile of Lore City thence in a north-easterly direction to the county line.

SECTION 2. Proceedings under this act shall be commenced by a petition, and whenever a petition is presented to said board signed by at least one hundred freeholders, resident of the townships of Wills, Center, Jefferson, Madison, Londonderry, Oxford, Monroe and Washington in said county, praying for the construction of such road, in pursuance of this act, upon a line thereafter to be ascertained by said board, and said board shall find that the construction of said road will be of public utility, it shall adopt a resolution setting forth such facts, and designating the termini and intermediate points of the proposed line, and shall cause said petition and resolution to be entered upon its journal.

SECTION 3. Said board shall thereupon order a special election to be held in said townships, by the trustees thereof respectively, at which election the question of building such road shall be submitted to the electors thereof. Notice of said election shall be given in two or more newspapers published in said county for at least twenty days prior thereto. Electors desiring to approve the action and resolution of said board shall have on their ballots, "Railroad—Yes;" and electors desiring to oppose the same shall have on their ballots, "Railroad—No."

SECTION 4. The trustees of said respective townships or in their absence, or disability, three electors chosen for that purpose, shall conduct said election and certify the result of the same to said board, and shall also certify to said board the poll-books of said election, which shall be preserved by the county auditor, and shall be prime facie evidence of the persons voting at said election. Said board of county commissioners shall by resolution declare the result of said election in each township.

SECTION 5. If the board find that a sufficient sum has been authorized, it may issue bonds for and in the name of such of said townships as cast a majority of votes in favor of said proposition, in such sums as it deems sufficient and equitable, not exceeding the following amounts respectively: Wills township $20,000; Jefferson township $10,000; Madison township $20,000; Londonderry township $25,000; Center township $5,000; Washington township $10,000; Monroe township $5,000; Oxford township $5,000. Said bonds shall be signed in the names of each township respectively, by order of said board, by the county auditor, and attested by the county treasurer, and all the property in said townships respectively shall be bound for the sum allotted to it; and it shall be the duty of said board to levy annually, upon the property in each of said townships a tax not exceeding four mills, in addition to other taxes levied or authorized, to pay said bonds and interest.

SECTION 6. Said bonds shall be in such denominations as said board may order, shall bear interest at the rate of six per centum per annum, payable semi-annually, at the office of the county treasurer, who shall pay the principal and interest as they become payable, on demand, and shall be redeemed in such amounts each year as the board may determine, provided that not more then one-twentieth of the principal and interest shall be payable in any one year, by any township and none of the principal shall be paid during the first year. A record of all bonds issued shall be kept by said auditor.

SECTION 7. The following shall be a sufficient form of bond:

The bond of ——— township, Guernsey county, Ohio.

This certifies that ——— township, Guernsey county, Ohio, is indebted to the bearer in the sum of ——— dollars, payable on the ——— day of ———, 18—, which sum bears interest from date at the rate of six per centum per annum, payable semi-annually, principal and interest payable at the treasurer's office of said county.

All the property of said township is pledged for the payment of said sum and interest, and its payment is provided for by a tax to be levied annually, by the board of county commissioners, on the tax duplicate of said township. This bond is issued in pursuance of law.

Executed by said township this ——— day of ———, 18—.

——— township, Guernsey county, Ohio.

Attest: ——— By ———

Treasurer of said county. Auditor of said county.

SECTION 8. If said board finds that a sufficient sum has been authorized to enable it to build said road it is then authorized to contract, in consideration of a certain number or amount of said bonds, for its construction, and when constructed to operate it, or to contract at the same time for [its] construction and operation. If leased the lease shall be executed by the president of said board, in pursuance of the resolution of the board, and shall be acknowledged by him as the act and deed of the board, before an officer competent to take the acknowledgment of deeds. Said contract and lease shall be entered upon the journal of said board.

SECTION 9. No bonds shall be delivered until said road is built, and cars are run from said Central Ohio railroad to said county line. But upon the execution of the contract of construction, or the contract of construction and lease, said bonds shall be executed and delivered to the treasurer of said county, or to such other person as said board by resolution may appoint, to be held by him in trust for both parties, until said road is constructed, and cars run as aforesaid, whereupon he shall deliver the same to the contractor of record, or his order. When the road is completed as aforesaid, the title of said bonds shall relate back and become effective as of the date of said contract, or of said contract and lease.

SECTION 10. No township shall be liable on account of said bonds or any indebtedness contracted in pursuance of this act, except such as incidental in carrying it into effect, until said railroad is actually built, and cars run as aforesaid.

SECTION 11. Said board in order to carry out the provisions of this act, is authorized to accept donations of property, or purchase or appropriate the same including a railroad partially constructed, or rights of way, or other rights acquired therefor. Proceedings for appropriations shall be conducted in accordance with the laws regulating the appropriation of private property by corporations, and shall be varied to suit the case.

SECTION 12. Said board may make such orders and regulations as it deems necessary to carry out the provisions of this act, may employ agents and pay the expenses necessary in carrying out the provisions of this act, except the expenses of said elections, which shall be paid by the township out of the county treasury. But no liability on account of the construction of said railroad or any part of it shall be incurred, except upon the condition that it be completed, and any act assuming to incur such obligation, except upon the precedent condition of the road being built, and cars run as aforesaid, shall be void. No omission or irregularity in the proceedings under this act shall affect their validity, unless the same be substantially irregular or erroneous, and all proceedings shall be

affirmed and approved if substantially correct, and within the scope and spirit of this act.

SECTION 13. In case of any irregularity in the election in any township, or the certificates or returns from the same, or for any other reason said board is not satisfied with the result of the same, it may order a new election to be held in such township.

SECTION 14. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
211L

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[House Bill No. 1365.]

AN ACT

To authorize the trustees of Freeport township, Harrison county, Ohio, to build a railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Freeport township, Harrison county, Ohio, are hereby authorized as herein provided, to build and operate or lease, a standard gauge railroad, from Freeport, thence in a southerly direction to the county line.

SECTION 2. Proceedings under this act shall be commenced by a petition, and whenever a petition is presented to said trustees signed by at least twenty-five freeholders, resident of the township of Freeport, praying for the construction of such road, in pursuance of this act, upon a line thereafter to be ascertained by said trustees, and said trustees shall find that the construction of said road will be of public utility, it shall adopt a resolution setting forth such facts, and designating the termini and intermediate points of the proposed line and shall cause said petition and resolution to be entered upon their minutes.

SECTION 3. Said trustees shall thereupon order a special election to be held in said township, according to law, at which election, the question of building such road shall be submitted to the electors thereof. Notice of said election shall be given in one or more newspapers published in said township, for at least twenty days prior thereto. Electors desiring to approve the action and resolution of said board of trustees shall have on their ballots: "Railroad—Yes," and electors desiring to oppose the same shall have on their ballots: "Railroad—No."

SECTION 4. The trustees of said township, or in their absence or disability three electors chosen for that purpose, shall conduct said election and certify the result of the same, and shall also certify to the poll-books of said election, which shall be preserved by the township clerk, and shall be prima facie evidence of the persons voting at said election. Said board of trustees shall by resolution declare the result of said election in said township.

SECTION 5. If said board of trustees find that a sufficient sum has been authorized, it may issue bonds for and in the name of said township

in such sum as it deems sufficient, not exceeding the sum of $20,000. Said bonds shall be signed by said trustees and attested by the township clerk, and all the property in said township shall be bound for the amount aforesaid; and it shall be the duty of said trustees to levy annually, upon the property of said township a tax not exceeding four mills, in addition to other taxes levied or authorized, to pay said bonds and interest.

SECTION 6. Said bonds may be in such denominations as said trustees shall order, shall bear interest at the rate of six per centum per annum, payable semi-annually at the office of the treasurer of said township, who shall pay the principal and interest as they become due, on demand, and shall be redeemed in such amount each year as the trustees shall determine, provided that not more than one-twentieth of the principal and interest shall be redeemed in any one year, by said township, and none of the principal shall be paid during the first year. A record of all bonds issued shall be made by the township clerk.

SECTION 7. The following shall be a sufficient form of bond:

The bond of Freeport township, Harrison county, Ohio.

This certifies that Freeport township, Harrison county, Ohio, is indebted to the bearer in the sum of —— dollars, payable on the —— day of ——, 18 —, which sum bears interest from date at the rate of six per centum per annum, payable semi-annually, principal and interest payable at the treasurer's office of said township.

All the property of said township is pledged for the payment of said sum and interest, and its payment is provided for by a tax to be levied annually by the township trustees, on the tax duplicate of said township. This bond is issued in pursuance of law.

Executed by said township this —— day of ——, 18 —.

Attest: ——— Clerk of said township.

——— } Township trustees.

SECTION 8. If said trustees find that a sufficient sum has been authorized to enable it to build said road, it is then authorized to contract, in consideration of a certain number or amount of said bonds, for its construction, and when constructed to operate it, or to contract at the same time for its construction and operation. If leased, the lease shall be executed by the trustees, in pursuance of the resolutions by the board, and shall be acknowledged by them as the act and deed of the township, before an officer competent to take the acknowledgments of deeds. Said contract and lease shall be entered upon the records of said trustees.

SECTION 9. No bonds shall be delivered until said road is built, and cars run from Freeport to the county line. But upon the execution of the contract of construction, or the contract of construction and lease, said bonds shall be executed and delivered to the treasurer of said township or to such other person as said trustees shall by resolution appoint, to be held by him in trust for both parties, until said road is constructed and cars run as aforesaid, whereupon he shall deliver the same to the contractor of record, or to his order. When the road is completed as aforesaid the title to said bonds shall relate back, and be effective as of the date of said contract, or said contract and lease.

SECTION 10. Said township shall not be liable on account of said bonds or any indebtedness contracted in pursuance of this act, except such

as is incidental to carrying it into effect, until said road is actually built, and cars run as aforesaid.

SECTION 11. Said trustees in order to carry out the provisions of this act, are authorized to accept donations of property, or purchase or appropriate the same including a railroad partially constructed, or rights of way, or other rights acquired therefor. Proceedings for appropriations will be conducted in accordance with the laws regulating the appropriation of private property by corporations and shall be varied to suit the case.

SECTION 12. Said trustees may make such orders and regulations as it [they] deem[s] necessary to carry out the provisions of this act, may employ agents and pay the expenses necessary in carrying out the provisions of this act, out of the township treasury. But no liability on account of the construction of said railroad or any part of it shall be incurred except upon the condition that it be completed, and any act assuming to incur such obligation, except upon the precedent condition of the road being built, and cars run as aforesaid, shall be void. No omission or irregularity in the proceedings under this act shall affect their validity, unless the same be substantially irregular or erroneous, and all proceedings shall be affirmed and approved if substantially correct, and within the scope and spirit of this act.

SECTION 13. In case of any irregularity in the election, or the certificate or returns from the same, or for any other reason said trustees are not satisfied with the result of the same, they may order a new election to be held in such township.

SECTION 14. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
212L

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[House Bill No. 1388.]

AN ACT

**To authorize the village of Cuyahoga Falls to issue bonds for the construction of electric light plant.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Cuyahoga Falls, Summit county, Ohio, be and is hereby authorized to issue bonds of said village, in any sum not exceeding fifteen thousand dollars for the purpose of constructing an electric light plant, for lighting the streets and public buildings of said village and furnishing the same to the citizens thereof, at such prices as said council may deem proper. Said bonds shall bear interest not exceeding seven per cent. per annum payable annually and sold for not less than their par value.

SECTION 2. That the powers herein conferred shall in no case be exercised by the council of such village until authorized by a vote of the qualified electors of such village, taken at a general or special election held therein. That for the purpose of submitting such proposition to a

vote of such electors, the clerk of such village shall give notice of the time of holding such election, which shall be published in all the newspapers published in such village, and by posting notices thereof in at least three of the most public places in such village at least ten days prior to the time of holding such election. Such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such village. The poll-books and tally-sheets of such election shall forthwith returned to the clerk of such village, who, with the mayor of such village, shall, at any regular or special meeting of the village council and in the presence of a quorum of such council, proceed to canvass such vote, and the village clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in such village; and if it shall appear by the returns of such election that a majority of all the electors voting at such election have voted in favor of such proposition, such village council shall be authorized to exercise the powers conferred by this act, and if a majority of such electors voting at such election shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots voted at such election shall have written or printed thereon the words "For the issue of electric light bonds—Yes;" and those against, "For the issue of electric light bonds—No."

SECTION 3. Said council is hereby authorized to levy a tax sufficient to pay said bonds and the interest which may accrue thereon, the same to be levied and collected as taxes for general purposes.

SECTION 4. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS.
*President of the Senate.*

Passed March 24, 1891.
213L

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[House Bill No. 1402.]

AN ACT

Authorizing the village of New Richmond, Ohio, to issue bonds to raise money to pay for improving Ohio river bank, and repairing its streets, and repairing its lamps and lighting the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the incorporated village of New Richmond, Clermont county, Ohio, be and is hereby authorized and empowered to improve, protect and secure that part of the Ohio river bank in said village between the south-east corner upper line of Union street, and Walnut street, and repair such streets of said village as its council may deem necessary, and repair the public lamps of said village, and purchase and pay for new lamps to supply the places of such public lamps of said village as are worn out or destroyed, and purchase and pay for oil to supply the public lamps of said village, and pay for lighting same until the 1st day of October, A. D. 1891.

SECTION 2. For the purpose of raising money to pay for improving, protecting and securing said part of said bank, and repairing said streets, and repairing said lamps, and paying for said new lamps and for said oil,

and paying for lighting said lamps of said village until the 1st day of October, A. D. 1891; said village by and through its council is hereby authorized and empowered to issue and sell its bonds to an amount not exceeding five thousand dollars, said bonds to be of the denomination of one hundred dollars each, and bear not to exceed six per cent. interest per annum from date of same, interest to be payable semi-annually. Said bonds shall not be sold for less than their par value, and to become due and payable at such time within ten years from the day of the date of same, as the council of said village may determine; provided, that not more than ten of said bonds shall fall due and become payable in any one year, and said bonds shall be so drawn and executed. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and have the corporate seal of said village affixed thereunto, and when said bonds are executed and sold according to this act, the faith and credit of said village shall be pledged for the payment of same, with interest, and said village shall be obligated to pay such bonds and interest when same may fall due and payable.

SECTION 3. That for the purpose of paying said bonds and interest, the council of said village is hereby authorized and empowered to levy a tax in addition to all other taxes, upon all the taxable property in said village both real and personal, at such time and in such amounts as may be necessary to pay the principal and interest of said bonds as same may fall due, which taxes so levied shall be certified by the clerk of said village to the county auditor of said county, by whom the same shall be entered upon the duplicate of said county and collected as other taxes, and the money so raised shall be paid over to the treasurer of said village, to be paid out by him upon the written or printed order of the council of said village for the purposes specified by this act, and for no other purposes whatever.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
214L

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[House Bill No. 1442.]

AN ACT

To authorize the council of the village of Antwerp, Ohio, to issue and sell bonds to purchase additional grounds and embellish the same for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Antwerp, Paulding county, Ohio, is hereby authorized to issue and sell the bonds of said village in any amount, not exceeding five thousand dollars. The said bonds shall be issued and sold according to law, shall be in denominations not exceeding five hundred dollars each, shall mature in not to exceed ten years from their date, and draw a rate of interest not to exceed six per cent. per annum. The proceeds of the sale of said bonds shall be used in the purchase of additional land to the present cemetery grounds and in embellishing the same.

SECTION 2. Before issuing the bonds of said village as provided for in section 1 of this act, the question of issuing said bonds shall be submitted to the electors of said village at some regular or special election, due notice of which shall be given for not less than ten days prior thereto, by publication or posters in said village. At said election those voting in the affirmative shall have written or printed on their ballots "For cemetery bonds—Yes," those opposed "For cemetery bonds—No." If at said election a majority of those voting, vote in favor of issuing the bonds, then and then only are the council authorized to issue and sell said bonds as above provided for.

SECTION 3. If the said bonds are issued and sold the council of said village are hereby authorized to levy a tax on all the taxable property of said village in addition to that now authorized by law, sufficient to pay the interest and principal of said bonds as the same may mature.

SECTION 4. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
215L

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[House Bill No. 1452.]

AN ACT

To authorize the board of education of the village of New Matamoras, Washington county, Ohio, to borrow money for the purpose of purchasing the necessary real estate and constructing and equipping a school-house in said village and to issue its negotiable coupon bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of New Matamoras, Washington county, Ohio, be and it hereby is authorized to borrow a sum of money not exceeding eight thousand five hundred dollars ($8,500) for the purpose of purchasing the necessary real estate in said village and of constructing thereon and equipping a school-house, and for this purpose to issue its negotiable coupon bonds in sums of one thousand dollars ($1,000) or less, not exceeding said sum of eight thousand five hundred dollars ($8,500) in the aggregate, bearing interest at a rate not exceeding five per cent. per annum from the date of issue, payable semi-annually, the principal of said bonds shall be payable at such times and places as said board of education may by resolution determine, within a period of not exceeding ten years, and shall be advertised and sold according to law, said bonds shall be executed by the president of said board of education, subscribing the corporate name of said board thereto, and by the secretary of said board affixing the seal of said board thereto, attested by his signature; the coupons attached to said bonds shall be executed by engraving or lithographing the signature of the treasurer of said board thereon. None of said bonds shall be sold for less than their par value and accrued interest, and all of said bonds remaining unsold on the second day of January, 1892, shall be canceled at a regular meeting of said board and a record of the same placed upon its minutes.

SECTION 2. Said board of education is hereby authorized to levy a tax, on all the taxable property of said village and of the territory attached thereto for school purposes in addition to what is already authorized by law to be levied, sufficient to meet the semi-annual interest of said bonds, and to pay the principal of the same as it may fall due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
216L

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[House Bill No. 1473.]

AN ACT

To authorize the council of the village of Deshler, Henry county, Ohio, to borrow money and issue bonds therefor for the purpose of paying existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Deshler, Henry county, Ohio, be and is hereby authorized to borrow money and issue bonds therefor not exceeding in amount two thousand dollars ($2,000) for the purpose of paying existing indebtedness of said village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned and registered by the clerk of said village, and may be issued in denominations not exceeding five hundred dollars ($500), bearing interest not exceeding six per cent. per annum, payable semi-annually. Said bonds shall not run to exceed twelve years and shall not be sold for less than their par value, and the principal and interest thereof shall be payable at such place as said council may determine.

SECTION 3. Said council is hereby authorized to levy a sufficient tax to pay any indebtedness incurred under this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
217L

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[House Bill No. 1486.]

AN ACT

To authorize the council of the village of New Straitsville, Perry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of New Straitsville, Perry county, Ohio, is hereby authorized to transfer the following sums of money: From the police

fund to the bond debt fund five hundred dollars ($500.00), from the police fund to the road fund five hundred dollars ($500.00) and from the general fund to the road fund two hundred dollars ($200.00).

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
218L

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[House Bill No. 1489.]

AN ACT

To authorize the trustees of Washington township, Preble county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Washington township, Preble county, Ohio, be and is [are] hereby authorized to transfer from the poor fund of said township, to the township fund, the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
219L

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[House Bill No. 1492.]

AN ACT

To authorize the board of county commissioners of Richland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Richland county, Ohio, be and they are hereby authorized to transfer the sum of two thousand ($2,000) dollars from the dog tax fund to the bridge fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
220L

[House Bill No. 1498.]

AN ACT

For the relief of David Logan, late treasurer of Washington township, Union county, Ohio.

WHEREAS, David Logan was, at the April election in 1889, elected treasurer of Washington township, Union county, Ohio; and

WHEREAS, On the night of July 28, 1889, the safe of Hornbeck, Longberry and Co., of Byhalia, in Washington township, in which said treasurer had deposited the money belonging to the township, was broken open by burglars and the sum of one hundred and seventy-five dollars stolen therefrom; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of said Washington township, Union county, Ohio, be and they are hereby authorized and empowered to release the said David Logan and the sureties on his official bond, from the payment of said one hundred and seventy-five dollars.

SECTION 2 This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
221L

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[House Bill No. 1499.]

AN ACT

To authorize the village council of Mason, Warren county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Mason, Warren county, Ohio, be and are hereby authorized to transfer four hundred and seventy-one dollars and eighty-eight cents ($471.88), from the police fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
222L

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[House Bill No. 1502.]

AN ACT

To authorize the township trustees of Greenville township, Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Greenville township, Darke county, Ohio,

are hereby authorized to transfer from the "township bond fund" to the "township fund" the sum of six hundred and sixty-one dollars and sixteen cents ($661.16).

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
223L

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[House Bill No. 1504.]

AN ACT

To authorize the board of education of the village of Middletown, Butler county, Ohio, to purchase site or sites, and erect school-house or houses thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village of Middletown, Butler county, Ohio, be and the same is hereby authorized and empowered to issue bonds not exceeding sixty thousand dollars ($60,000) in amount, for the purpose of buying a site or addition to present sites, for school-house or addition to school-houses in the city of Middletown, Butler county, state of Ohio, and for the purpose of erecting a school-house or addition to houses thereon; said bonds to be issued at such times and in such sums, and payable at such times and place as said board of education may think best; said bonds shall bear interest at a rate not exceeding five (5) per centum, payable semi-annually. Said bonds, when issued, shall not be sold at less than their par value. The proceeds of said bonds shall be paid into the treasury of said school board, to be used as needed, for the purchase of said school sites, and the erection of a school-house or houses thereon, and the proper furnishing thereof. The clerk of the said board of education shall keep a record of the number, date, amount, rate of interest, the time when payable, the sum for which, and the person to whom sold, which record shall be open to the public at all reasonable times.

SECTION 2. That said bonds, when issued, shall be signed by the president of said board of education, and countersigned by the clerk thereof, and to provide for the payment of said bonds and the interest thereon, the board of education of said city of Middletown, Ohio, is hereby authorized and required, annually, to levy a tax on all taxable property in said village school district of Middletown, Ohio, not exceeding three mills per annum on the dollar valuation; which levy may, if in the opinion of said board it becomes necessary, be in addition to that now authorized by law to be levied by the boards of such school districts; the proceeds of such levy to be exclusively used in the payment of said bonds, and the interest thereon, as authorized by this act.

SECTION 3. Before said bonds shall be issued or tax levied the question of issuing said bonds and the levying a tax therefor shall be submitted to a vote of the electors of said village at a general election, or special election called for that purpose, as the board of education of said village may order. Notice of such election shall be given by publication in the newspapers published in said village for two consecutive weeks, immediately preced-

ing such election, which notice shall state the time and place for holding such election. The tickets voted at said election shall have written or printed upon them, "For the issue of bonds—Yes," "For the issue of bonds—No." If the proposition to issue such bonds is approved by a majority of all the votes cast at said election, the board of education of said village shall have authority to issue said bonds and levy said tax as provided for in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
224L

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[House Bill No. 1507.]

AN ACT

To authorize the trustees of Olmsted township, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Olmsted township, Cuyahoga county, Ohio, be and are hereby authorized to transfer two hundred and fifty ($250.00) dollars from the cemetery fund, and two hundred and fifty dollars ($250.00) from the town hall fund of said township to the road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
225L

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[House Bill No. 1509.]

AN ACT

To detach certain lands lying and being within the corporate limits of the city of Lancaster, in Lancaster township, Fairfield county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the south-east quarter of section thirty-five, township fifteen, range nineteen, in Fairfield county, Ohio, except about twenty-three acres in the south-east corner of said quarter-section which is included in the Chapin addition to the city of Lancaster, Ohio, be and the same is hereby detached to [from] the township of Lancaster, and attached to the township of Greenfield, in said county of Fairfield, from which the same was heretofore detached, and made part of said Greenfield township.

SECTION 2. That the south-east quarter of section two, township fourteen, and range nineteen, and the east half of section eleven, township fourteen, range nineteen, and the south-west quarter of section twelve, township and range aforesaid, all in said Fairfield county, Ohio, be and the same are hereby detached from the city and township of Lancaster, and attached to the township of Hocking, in said county, to which said lands originally belonged, and made a part thereof.

SECTION 3. That the north-west quarter of section eight, township fourteen, range eighteen, in said Fairfield county, Ohio, be and the same is hereby detached from the city and township of Lancaster, and attached to the township of Berne in said county, to which said land originally belonged, and made a part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
226L

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[House Bill No. 1511.]

## AN ACT

To authorize the council of the incorporated village of Wauseon, to issue bonds for the purpose of improving Leggett, Vine, Brunell and Chestnut streets in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Wauseon, Fulton county, Ohio, is hereby authorized to issue the bonds of said village in a sum not exceeding seven thousand dollars, in such denominations as said council may deem fit, bearing a rate of interest not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding fifteen years from the date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of said village; and shall be payable at such place or places as the council of said village shall by ordinance provide; and said bonds shall not be sold for less than their par value, and may be issued at such times and places and in such amounts as the council of said village shall by ordinance provide.

SECTION 2. The money arising from the sale of said bonds shall be used by the council for the purpose of curbing, improving, grading, paving and graveling Leggett, Vine, Brunell and Chestnut streets in said village as follows: Commencing at the west side of Fulton street and running and extending to the western limit of Leggett street. Commencing at the southern limit of Brunell street, and running and extending to the intersection of said Brunell street with Chestnut street. Commencing at the intersection of Brunell and Chestnut streets, and running and extending to the eastern limit of Chestnut street, and commencing at the north end of Vine street and running and extending along said Vine street to the intersection of Vine and Leggett streets, in said village.

SECTION 3. That said bonds shall be issued for the purposes of the improvement of said streets respectively as follows: Chestnut street, not to exceed three thousand dollars ($3,000), Vine street, not to exceed one

thousand dollars ($1,000), Brunell street, not to exceed ($1,000) and Leggett street, not to exceed two thousand dollars ($2,000).

SECTION 4. Whenever the bonds of said village shall be issued as provided in this act, it shall be the duty of said council of said village to levy a tax and assessment on all property, lots, premises and hereditaments abutting on each of said streets viz: Chestnut, Vine, Leggett and Brunell, between the limits mentioned in section two (2) in this act, sufficient to pay the interest accruing annually on said bonds as issued; and to create sinking funds for the payment of said bonds as the same shall fall due, for the improvement of said streets respectively, provided said council may create said sinking funds whenever in its judgment it shall be necessary.

SECTION 5. That for the purpose of paying such amounts or portion of said bonds as shall have been issued for the purpose of paving street and alley intersections, the council of said village may, and is authorized to levy a tax upon all the taxable property in said village in addition to the amount allowed to be levied by law to be placed in said sinking funds, and not to be otherwise appropriated.

SECTION 6. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
227L

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[House Bill No. 1512.]

AN ACT

**To authorize the township trustees of Cedarville township, Greene county, Ohio, to levy an additional tax for road improvement.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Cedarville township, Greene county, Ohio, be and are hereby authorized to levy annually, for three years, a tax on all the taxable property of said township not exceeding two mills on the dollar, in addition to the levy now authorized by law, for the purpose of repairing and improving the roads of said township.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
228L

[House Bill No. 1516.]

AN ACT

To authorize the board of education of Ward township, Hocking county, Ohio, to borrow money to pay indebtedness created by the construction of school-houses in said township, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Ward township, Hocking county, Ohio, be and is authorized to borrow the sum of six thousand dollars ($6,000) and issue bonds therefor in denominations of one thousand dollars, bearing interest at a rate not exceeding six (6) per cent. per annum from date of issue, payable semi-annually, or as the board may direct. The money so borrowed to be used for the purpose of paying indebtedness now existing, created by the construction of school-houses in said township, and for no other purpose.

SECTION 2. Said bonds shall be signed by the president and countersigned by the clerk of said board, and shall not be sold for less than their par value. The principal shall be payable within ten (10) years from the date of said bonds, as the said school board shall determine, and said school board is hereby authorized to levy a tax upon all the taxable property of said township, in excess of that now authorized by law to be levied, to pay said bonds and interest as the same become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
229L

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[House Bill No. 1518.]

AN ACT

To allow a certain private road in section 34, in township 13, and range 16, in Hocking county, Ohio, to be worked as a public road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the private road leading from the river bridge south of Logan, Ohio, through the lands of J. M. Floyd, William Westenhaver, Mrs. Elizabeth McCarthy, H. L. Wright, and John Daugherty, to the lands of George Hartman, in section 34, township 13, and range 16, Hocking county, Ohio, shall be considered a public highway for purposes of road work, and that the road supervisor of the district through which it runs shall cause labor to be performed thereon as on other roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
230L

[House Bill No. 1520.]

AN ACT

To authorize the council of the incorporated village of Taylorsville, Muskingum county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Taylorsville, Muskingum county, Ohio, be and is hereby authorized and empowered to transfer three hundred dollars from the general fund of said village to the street and alley fund of said village and three hundred dollars from the corporation fund of said village to the street and alley fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
231L

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[House Bill No. 1521.]

AN ACT

To authorize the council of the incorporated village of Waverly, Pike county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Waverly, Pike county, Ohio, be and the same is hereby authorized to transfer the sum of three hundred and twenty-eight dollars and forty-five cents ($328.45) from the sewer fund to the street and alley fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
232L

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[House Bill No. 1132.]

AN ACT

Authorizing the commissioners of Hamilton county to levy a tax to grade, macadamize and improve parts of certain county roads in Springfield township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to improve, by grading and macadamizing, the following part of a certain county road in Springfield township in said county, to-wit: Beginning at the terminus of Mt. Pleasant avenue, in the village of Wyoming, and

extending thence west in a straight line to the Compton road, a distance of two thousand five hundred feet, more or less.

SECTION 2. In order to raise the money necessary to make said improvement, said commissioners, in addition to their other powers of taxation, are hereby empowered to assess and collect upon the general levy of all the taxable property of said county, a tax not to exceed the rate 1-20 of a mill to be assessed in the year 1891, and which shall be applied by them to making said improvement as soon as practicable after its collection. Should any surplus be left of said money raised by said levy after the payment of the improvements of said road as above provided, it shall be retained and applied from time to time to the keeping of said road in repair.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
233L

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[House Bill No. 1517.]

AN ACT

To authorize the commissioners of Hocking county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hocking county, Ohio, be, and they are hereby authorized to transfer the sum of nine thousand dollars ($9,000) from the bridge fund, and the sum of two thousand dollars from the sheep fund to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
234L

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[House Bill No. 1546.]

AN ACT

To authorize the village of New Lexington, Highland county, Ohio, to issue its bonds for town hall purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of New Lexington, in the county of Highland and the state of Ohio, be and is hereby authorized to issue and sell the bonds of said village in any sum not exceeding four thousand dollars ($4,000) for

the purpose of purchasing site and erecting thereon and furnishing a town hall in said village.

SECTION 2. Said bonds shall not bear interest at a rate exceeding six per cent. per annum, payable semi-annually, and shall be of such denomination as the council of said village may prescribe, and shall be made payable at such times and places as said council may prescribe by ordinance; but not to run longer than twenty years from date of issue. Said bonds shall not be sold for less than par and accrued interest thereon. Proceeds shall be used only for the purposes named in section one of this act.

SECTION 3. Said bonds shall be signed by the mayor and attested and registered by the clerk of said village and shall express upon their face the purpose for and act under which issued, and when sold the proceeds thereof shall be paid to the treasurer of said village who shall hold and disburse the same as other village funds, and shall be sold from time to time, and in such amounts as the council of said village may direct.

SECTION 4. After any of said bonds are issued as herein provided, it shall be the duty of the council of said village thereafter to assess and levy a tax and if necessary in addition to that now authorized by law on all the taxable property of, and in said village sufficient to provide for the payment of principal and interest of said bonds as the same become due and payable. And said taxes shall be collected as other taxes of said village.

SECTION 5. Provided, however that before any of said bonds are issued, the council of said village shall submit the question of authority to issue for the purposes aforesaid, to the qualified electors of said village, at a regular or special election, due notice of which shall be given by written or printed notices in not less than five conspicuous places in said village, not less than ten (10) days before said election. And if a majority of the electors voting upon said question shall vote in favor of the same, then, and not otherwise, shall the council of said village be authorized to issue and sell the bonds and otherwise do as herein provided. Those voting in favor of the proposition to issue bonds for the purpose of purchasing site and erecting and furnishing a town hall in said village, shall have written or printed upon their ballots the words, "Authority to issue town hall bonds—Yes." And those voting against the proposition, the words, "Authority to issue town hall bonds—No."

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
235L

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[House Bill No. 1555.]

AN ACT

To authorize the trustees of Union township, Brown county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Union township, Brown county, be and they are

hereby authorized to transfer from the general funds of said township (including the township and poor funds) to the free turnpike repair fund the sum of twelve hundred dollars.

SECTION 2. This act shall take effect and be in force from the date of its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
236L

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[House Bill No. 1556.]

AN ACT

To authorize the commissioners of Brown county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be, and they are hereby authorized to transfer not to exceed two thousand dollars from the poor fund to the building fund for the purpose of building a hospital at the infirmary of said county.

SECTION 2. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
237L

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[House Bill No. 1581.]

AN ACT

To authorize the council of the village of Edison, Morrow county, Ohio, to issue bonds to complete the town hall in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Edison, in the county of Morrow, and state of Ohio, be and is hereby authorized to borrow money, not exceeding five hundred dollars for the purpose of purchasing seats, lights, and the necessary scenery, for the town hall in said village, and the council of said village is empowered to issue bonds of the said village, for the money so borrowed, in such denominations, and payable at such times as it shall determine, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, provided, that the said bonds shall not be sold for less than par and accrued interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
238L

[House Bill No. 1592.]

AN ACT

To release William Everingim and John M. Silcox as sureties on the bond of Alfred B. Brant as treasurer of Venice township, Seneca county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Venice township, Seneca county, Ohio, are hereby authorized to fully release and discharge William Everingim and John M. Silcox from any and all liability as sureties on the official bond of the late Alfred B. Brant, as treasurer of said Venice township, without their paying any part of the amount due from such treasurer to said township, but such release and discharge shall in no way release or discharge the estate of said treasurer; provided, however, that before said trustees shall have the right to exercise any of the powers above granted, the question of such release shall be submitted to the qualified electors of said township at the April election in the year 1891, and those favoring such release shall have written or printed on the regular ticket voted by them the words, "Release of treasurer's sureties—Yes" and those opposed, "Release of treasurer's sureties—No," and if a majority of those voting upon said question, vote in favor of said release, then said trustees shall have the right to exercise the powers herein above named, otherwise they shall not.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 25, 1891.
239L

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[House Bill No. 1458.]

AN ACT

For the relief of William C. Scott, late treasurer of Carroll county, Ohio.

WHEREAS, On, or about the 11th day of February, A. D. 1883, the treasurer's office in said county was robbed of a large amount of the funds deposited therein; and

WHEREAS, William C. Scott the then treasurer of said county expended of his own means in attempts to apprehend and convict the party or parties guilty of said robbery, the sum of six hundred dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Carroll county, be, and they are hereby empowered and authorized to refund to said W. C. Scott or his legal representatives the said sum of six hundred dollars.

SECTION 2. That, for the purpose aforesaid, the commissioners of said county are hereby authorized to levy and collect in addition to all other taxes authorized by law, an amount sufficient to pay said sum of six hundred dollars. The question of levying and collecting said sum shall first be submitted to the qualified electors of said county at the approaching April election of which due notice shall be given by publication for two consecutive weeks in at least three newspapers published in said county

and by the posting of written or printed notices in at least three conspicuous places in each township of said county. The ballots at such election shall have written or printed thereon, "Relief for W. C. Scott—Yes" or "Relief for W. C. Scott—No;" and if it shall appear that a majority of those voting at said election shall be in favor of the proposition submitted, then said sum shall be levied and collected in the same manner as taxes for all other purposes.

SECTION 3. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 24, 1891.
240L

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[Senate Bill No. 385.]

AN ACT

To authorize the commissioners of Hamilton county to appropriate twenty-five hundred dollars towards the erection of a monument to Captain John J. Desmond, at Cincinnati.

WHEREAS, Captain John J. Desmond, late captain company B, first regiment of infantry, Ohio national guard, was shot and instantly killed at Cincinnati on the 29th day of March, 1884, while in command of his company, and with them defending the court-house and jail from the attacks of a mob; and,

WHEREAS, The Lytle Grey veteran corps, an organization composed of ex-members of company B, first regiment of infantry, Ohio national guard, who have served a full term of five years, and have been honorably discharged, and the active members of company B, first regiment of infantry, have received subscriptions and are engaged in the enterprise of erecting a monument to the memory of their dead comrade and commander, said monument to cost not less than five thousand dollars; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of assisting said enterprise, the commissioners of Hamilton county be and they are hereby authorized to appropriate the sum of twenty-five hundred [dollars] ($2,500.00), to be paid to a commission hereinafter designated, whenever it shall appear that the sum of ($2,500.00) twenty-five hundred dollars has been raised by the said Lytle Grey veteran corps and company B, first regiment of infantry, Ohio national guard. The commission who shall have the power of disbursing the above fund and selecting and erecting said monument, shall consist of the adjutant-general of the state, the president of the Lytle Grey veteran corps, and the captain of company B, first regiment of infantry, Ohio national guard.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
241L

[House Bill No. 1355.]

AN ACT

To authorize the council of the incorporated village of Leesville, Carroll county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Leesville, Carroll county, Ohio, be and the same is hereby authorized to transfer permanently, five hundred ($500) dollars, from the corporation fund of said incorporated village, to the special school district fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
242L

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[House Bill No. 1525.]

AN ACT

To authorize the trustees of Bloomfield township, Trumbull county, Ohio, to issue and sell the bonds of said township for the purpose of purchasing land and building, for a town hall, or to purchase land and build a town hall thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Bloomfield, Trumbull county, Ohio, be and the said trustees are hereby authorized to issue the bonds of the township of Bloomfield, not exceeding the amount of thirty-five hundred dollars ($3,500.00), and to sell the same and use the proceeds thereof in purchasing land and building for a town hall, or for purchasing land and erecting thereon a town hall.

SECTION 2. Said bonds shall be issued in such an amount, not exceeding $3,500.00, and in such denominations as said trustees shall determine. They shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall not be sold for less than par value thereof, such bonds shall be signed by the trustees and countersigned by the clerk of said township and shall be authenticated by the seal thereof.

SECTION 3. For the payment of such bonds and interest thereon, said trustees shall levy a tax, in addition to the amount otherwise authorized by law, every year, not to exceed two mills, until the principal and interest of such bonds shall be fully paid, but no greater amount shall be collected each year than shall be sufficient to pay the bonds and interest coming due on each year.

SECTION 4. When the total amount of said bonds so to be issued in pursuance hereof, shall have been determined by said trustees, and before any bonds are issued or tax levied as provided by this act, the question of issuing the bonds shall be submitted to the qualified electors of said township, at any regular or special election called for that purpose, but

at least fifteen days notice of such election shall be given by posting up at least ten notices in as many different public places in said township; such notices shall state the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election and if the majority of the electors voting at such election upon the question of issuing bonds, vote in favor thereof, then the bonds may be issued and the tax levied. Those voting in favor of the proposition shall have written or printed on their ballots, "For the issue of bonds—Yes" and those voting against the same, the words, "For the issue of bonds—No."

SECTION 5. Such election shall be held and conducted in all respects as any election for township officers. If a majority of the electors voting at such election as provided in section 4, of this act, vote in favor of said proposition, the trustees shall proceed to advertise and sell said bonds, in manner as provided for by law, for the sale of township bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
243L

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[House Bill No. 1543.]

AN ACT

To divide Middletown township, Columbiana county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Middletown, in the county of Columbiana, state of Ohio, be and the same is hereby divided into two election precincts for all the purposes authorized by law, as follows: That sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 shall constitute and be known as the east precinct of said township, with place of holding elections at Negley. That sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 shall constitute and be known as the west precinct of said township, with place of holding elections at Rogers, in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
244L

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[House Bill No. 1544.]

AN ACT

To authorize the council of the city of East Liverpool, Columbiana county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of East Liverpool, Columbiana county, Ohio, is

hereby authorized and empowered to transfer the sum of fifteen hundred dollars ($1,500.00) from the sinking fund to the general fund, and the sum of twenty-one hundred dollars ($2,100.00) from the sinking fund to the interest fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
245L

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[House Bill No. 1577.]

AN ACT

To authorize the trustees of Pleasant township, Hardin county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Pleasant township, Hardin county, Ohio, be and they are hereby authorized and empowered to transfer the sum of one thousand dollars ($1,000.00) from the poor fund of said township thereof, as follows, to-wit: Four hundred dollars to the general township fund of said township, four hundred dollars to the road fund of said townsnip and two hundred dollars to the bridge fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
246L

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[House Bill No. 1590.]

AN ACT

To authorize the village council of Niles, Trumbull county, Ohio, to issue bonds for the purpose of providing said village with a system of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Niles, in the county of Trumbull and state of Ohio, be and is hereby authorized and empowered to issue bonds of said village in any sum not to exceed fifty thousand dollars ($50,000) and bearing interest at a rate not exceeding six per cent. per annum payable semi-annually, and to be of such denominations as the council shall by ordinance determine, but not less than one hundred dollars ($100) each, and shall be made payable at such times and place as the council shall by ordinance prescribe, but not more than thirty years from date, and which bonds shall not be sold for less than par value in cash. The proceeds of such bonds shall be used for the purpose of buying, or leasing

the necessary land and water right, and material and constructing thereon, and therewith a system of water-works for said village, and for no other purpose whatever; and such bonds shall be signed by the mayor of said village and attested by the clerk thereof, and seal of the village, and when sold, the proceeds shall be paid to the treasurer of the village who shall hold and disburse the same as other village funds are by him held and disbursed. But in no event shall any of the proceeds of such bonds be used for any purpose excepting that provided by this act.

SECTION 2. If any bonds of said village be issued as hereinbefore provided, it shall be the duty of the council of said village, annually thereafter, until the said bonds and the interest thereon is [are] fully paid, to assess and levy a tax on all the taxable property of the corporation, sufficient to provide for the payment of said bonds as they fall due, with interest accruing thereon. All earnings of said water-works, after deducting current expenses, shall be paid into the sinking fund and used for the extinguishment of said indebtedness.

SECTION 3. Provided, that before said bonds are issued, the village council shall submit the proposition to the electors of said village, at a general or special election to be held for such purpose, at such time as the council shall determine by resolution, notice of which shall be given of the time and place of holding such election, and the amount of bonds to be issued, at least ten days prior to the time of holding such election, in a newspaper of general circulation in said village, and the form of the ballot shall be as follows: Those in favor of the construction of water-works and the issuing of said bonds, shall have written or printed on their ballots, "Water-works—Yes;" those opposed to the construction of water-works and the issuing of said bonds, shall have written or printed upon their ballots, "Water-works—No." The election shall be held in accordance with the election laws of the state, but the poll-book and returns thereof shall be made to the village clerk, who shall present them to the council, when the same shall be opened and canvassed, and the result declared, and entered upon the minutes of said council; and if it shall appear that a majority of the ballots cast at such election were in favor of water-works and the issuing of said bonds, then the council shall proceed to issue such bonds, and not otherwise; provided, however, before issuing said bonds or contracting any liabilities whatever, the council shall fix, by ordinance, on what street said water-pipes shall be laid, giving dimensions and kind of pipe to be used; the number of fire-plugs and distance from each other; the height to which the water is to be raised, which shall be of sufficient height to conduct water to any part of the village; the number of miles of pipe to be laid, and such other matters as may be necessary to have a complete and sufficient system of water-works. After the passage and publication of said ordinance, as prescribed by law, the council shall advertise for sealed proposals, in accord with the provisions of said ordinance, and which proposals may be for a part or the whole of the labor and materials to be furnished, as the council in its discretion may deem best, and if it is ascertained upon the opening of said bids that said water-works can be built complete in every respect, and that good and responsible parties will enter into the contract, with good and sufficient bond that they will build said water-works, or such part as may be let to them, for a sum not to exceed fifty thousand dollars for the whole, said council may accept such proposal as in their judgment is most reasonable, economical and satisfactory, and enter into a contract for such purpose, and may issue the bonds as herein provided, and not otherwise. Said council may at the

same time advertise for proposals for private companies, who may build and own water-works in accord with the provisions of said ordinance, to supply said village and the citizens thereof with water for all purposes, public and private, and if it is ascertained that it would be for the interest of said village to contract with any private company, for any period not exceeding twenty years, for the supply of water as aforesaid, then said council shall have power to enter into a contract with such private company, and to issue such amount of bonds, and to levy such annual taxes as may be necessary to pay for such annual supply, not exceeding three thousand dollars per year.

SECTION 4. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 27, 1891.
247L

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[House Bill No. 1561.]

AN ACT

**To authorize the board of education of Jefferson township, Adams county, Ohio, to increase the levy for the purpose of paying off the indebtedness and continuing the schools in said township, for the term of six months annually.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education in the township of Jefferson, in the county of Adams, be and they are hereby authorized to levy a tax not to exceed three mills on the dollar annually on all the taxable property in said township in addition to the levy now authorized by law for the continuance of the schools in said township said tax to be levied and collected in the same manner as taxes for the common school funds are levied and collected. Provided, that before said tax shall be levied the board of education shall submit the same to the voters of said township at the first annual election to be held after the passage of this act.

SECTION 2. Those voting in favor of said tax shall write or print upon their tickets "Increase tax—Yes," and those opposed thereto "Increase tax—No." And if a majority of the votes cast at said election shall be in favor of said tax the board of education shall proceed to make such levy.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed March 30, 1891.
248L

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[Senate Bill No. 612.]

AN ACT

**To authorize the incorporated village of Leesburg, Highland county, to transfer funds.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Leesburg, Highland county,

Ohio, be and hereby are authorized to transfer the sum of $87.54 from the sanitary fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M.. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
249L

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[Senate Bill No. 615.]

AN ACT

To transfer a certain fund raised by a two-tenths levy from the building fund of the board of education of the city of Portsmouth, to the public library fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerk of the board of education of the city of Portsmouth is hereby authorized and directed to transfer from the building fund of the board of education to the library fund of said city, the two-tenths mills or the one-fifth of the same heretofore collected, and the said auditor of Scioto county is hereby authorized and directed to distribute to the library fund of the city of Portsmouth instead of to the building fund of the board of education of said city, such additional funds as may arise from the said levy of two-tenths mills levied as aforesaid.

SECTION 2. This act shall take effect and be in force from and after its pass

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
250L

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[House Bill No. 225.]

AN ACT

To allow a certain private road in Franklin township, Ross county, to be worked as a public road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the private road leading from the Columbus and Portsmouth turnpike road, at a point near Hewitt's cave, and running thence in an easterly direction, about two and one-half miles, more or less, to the intersection of the Stoney Creek road, near the school-house in school district number 7, all said road being in Franklin township, Ross county, shall be considered a public highway for purposes of road work, and that the road supervisors of the districts through which it runs, shall cause labor to be performed thereon as on other roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
251L

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[House Bill No. 1028.]

AN ACT

To amend an act entitled "An act to divide Fairfield township, Butler county, into three election precincts," passed April 21, 1890 (O. L., vol. 87, p. 568).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to divide Fairfield township, Butler county, Ohio, into three election precincts," passed April 21, 1890 (O. L. vol. 87, p. 568), be so amended as to read as follows: That Fairfield township, Butler county, Ohio, be and the same is hereby divided into three voting precincts, as follows: All of that portion of said township lying north of the Miami and Erie canal shall constitute a separate precinct to be known as the northern precinct; that sections 14, 15, 16, and so much of 17 as lies south of the Miami and Erie canal, that sections 20, 21, and 22 and so much of 23 as lies south of the Miami and Erie canal shall constitute a separate precinct to be known as the southern precinct, and all that portion of said township not included in the precincts above described shall constitute a separate precinct to be known as the western precinct. The trustees of the township shall designate a place or places for holding the regular election, and there shall be a place or places in each precinct designated for holding elections, which place or places shall be as near the center of each precinct as practicable, or at a point the most convenient for the majority of the voters. When such place or places has been designated the trustees shall give at least fifteen days written notice of the location of the place so designated by setting up in three of the most public places in each of the precincts notice of the same. This act shall in no way be construed as conflicting with chapter three of title ten of the Revised Statutes of Ohio, if the electors of said township desire at any time to proceed under said chapter of said title.

SECTION 2. That said act entitled "An act to divide Fairfield township, Butler county, into three election precincts," passed April 21, 1890 (O. L., vol. 87, p. 568), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
252L

[House Bill No. 1186.]

AN ACT

**To authorize the county commissioners of Hamilton county, Ohio, to levy a tax for grading, macadamizing, curbing, improving and extending Court street from Gilbert avenue to Russell street in the city of Cincinnati.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect upon the grand levy of the taxable property of said county, a tax of one-fourth ($\frac{1}{4}$) of one mill on the dollar, which shall be applied to the improvement of Court street in the city of Cincinnati, by extending the same from Gilbert avenue to Russell street, and by grading, macadamizing, curbing and improving the same. Said improvement shall be made in conformity to plans and specifications furnished by the city in which said Court street is located; and the moneys arising from said tax levy shall be expended in said improvement, and shall be used for no other purpose whatsoever, nor diverted to any other purpose.

SECTION 2. That the money so to be raised shall be equally divided and assessed, one-half ($\frac{1}{2}$) on the duplicate of 1891, and one-half ($\frac{1}{2}$) on the duplicate of 1892; when the first one-half ($\frac{1}{2}$) shall have been collected the said commissioners are authorized to proceed with said improvement.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
253L

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[House Bill No. 1503.]

AN ACT

**To authorize the county commissioners of Butler county, Ohio, to build a bridge over Seven-Mile creek on what is known as the Somerville and College Corner road, in the village of Somerville, Milford township.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Butler county, Ohio, be and they are hereby authorized and empowered to construct a new bridge across Seven-Mile creek, on what is known as the Somerville and College Corner road in Milford township of said county.

SECTION 2. The commissioners of said county, for the execution of the object stated in the preceding section of this act, may borrow such sum or sums of money as they deem necessary, at a rate of interest not to exceed six per centum per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually at the county treasury, and the principal shall be paid at such treasury at such times as the commissioners pre-

scribe, within ten years from the date of issue of said bonds; the interest and all the bonds issued for said purpose shall become due and payable at the same time, and the first payment of interest on any such bonds shall be for such portion of the six months as has elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter.

SECTION 3. The bonds so issued shall be signed by the commissioners of said county, or any two of them, and countersigned by the auditor, with coupons attached, in sums not less than fifty nor more than one thousand dollars each, payable to bearer, at the county treasury, with interest, as aforesaid, at such times, not exceeding ten years after date of the issue thereof, as the commissioners prescribe, and such bonds shall specify distinctly the object for which they were issued by having printed thereon the words "Seven-Mile bridge bonds;" said bonds shall be sold under the requirements of section 7755—9 of the Revised Statutes of Ohio.

SECTION 4. For the payment of said bonds issued under the preceding section the county commissioners of said county are hereby authorized and required to levy a tax, in addition to the amount otherwise authorized, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due within that year and accruing interest, which levy shall be placed on the duplicate by the county auditor of said county, and collected as other taxes.

SECTION 5. This act shall take effect and be in force on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
254L

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[House Bill No. 1508.]

AN ACT

To authorize the commissioners of Cuyahoga county, Ohio, to provide for deficiency in the general fund for said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Cuyahoga county, Ohio, to meet and provide for a deficiency in the general fund for said county, be and they are hereby authorized to borrow any sum of money not exceeding seventy-five thousand dollars ($75,000), and to execute and issue notes or bonds for the same, payable at such times, not exceeding three years from the date thereof, as may be deemed best by said commissioners, bearing interest not to exceed six per cent. per annum, payable semi-annually. Said notes or bond shall not be sold for less than par value.

SECTION 2. That for the payment of the interest on, and for the final redemption of said notes or bonds, the commissioners of said county are hereby authorized to levy taxes upon all the taxable property of said county, at a rate not to exceed five-twentieths of one mill on the dollar, in addition to the levies now authorized by law, for such fund, as may be found necessary to pay the interest on said notes or bonds, and to provide

a sum sufficient to pay the same, as they become due and payable; provided, that the tax levy hereby authorized shall not extend beyond three years. Said notes or bonds shall be signed by the county commissioners or any two of them, and be countersigned by the county auditor.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
255L

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[House Bill No. 1551.]

AN ACT

To authorize the council of the village of Liberty Centre, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Liberty Centre, Henry county, Ohio, be and is hereby authorized to transfer one hundred dollars ($100.00) from the police fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed March 31, 1891.
256L

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[House Bill No. 1605.]

AN ACT

To authorize the council of the incorporated village of Leesburgh, Carroll county, Ohio, to issue bonds for the general benefit and improvement of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village having a population at the federal census of 1880, of four hundred and eight is hereby authorized to issue bonds of said village in any sum not exceeding ten thousand dollars in denominations such as the council of such village may determine, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable in sums of not more than one thousand dollars per annum. The first installment of said bonds to become due in five years from the date of their issue, and one thousand dollars thereof each succeeding year thereafter until the whole is paid.

SECTION 2. Said bonds shall be signed by the mayor and attested by the clerk of such village, and shall not be sold at less than their par value

and may be sold at such times and in such amounts as will best subserve to carry out the purpose for which they are issued.

SECTION 3. If the bonds of such village be issued as herein provided for, it shall be the duty of the council of such village, and such council is hereby authorized to levy a tax on all the taxable property of said village sufficient to provide for the payment of the bonds and interest accruing thereon at such times as is [are] hereinbefore provided for in this act.

SECTION 4. The question of issuing such bonds shall be submitted to the qualified voters of said village at a general or special election held in said village of which at least ten days notice shall be given by publication in a newspaper printed in said village and notices posted in five of the most public places in said village. Those voting at such election shall have written or printed upon their ballots "Bonds for village improvement—Yes," or, "Bonds for village improvement—No." If a majority of those voting at said election are found to be in favor of the issue of such bonds, then the council shall proceed to issue said bonds, and not otherwise.

SECTION 5. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 1, 1891.
257L

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[House Bill No. 1607.]

AN ACT

To divide Colimar voting precinct in East Cleveland township, Cuyahoga county, Ohio, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Colimar voting precinct in East Cleveland township, Cuyahoga county, Ohio, be and the same is hereby divided into two precincts as follows: Beginning at the intersection of Lake View avenue, and the east line of Glenville incorporation thence along the center of Lake View avenue to where said center line intersects the west line of lot three eighty-nine, thence south along said line of lot three eighty-nine to the south-west corner of said lot number three eighty-nine, thence east along the south line of lot three eighty-nine, lot three hundred and ninety,—6, 47, 14, 55, 22 to the Euclid township line. That all east of said lot lines and Lake View avenue in said township shall be known as Colimar precinct, and all west of said line as aforesaid shall be known as the East End precinct of said township. That the voting places in said precinct shall be hereafter established as the trustees may hereafter provide.

SECTION 2. This act shall take effect on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 1, 1891.
258L

[Senate Bill No. 469.]

AN ACT

To authorize and empower the commissioners of Hamilton and Clermont counties, Ohio, to build a bridge and approaches across the Little Miami river at Milford.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton and Clermont counties, Ohio, be and they are hereby authorized and directed to build a suitable and substantial iron bridge, having a double driveway and a footway on each side and approaches thereto across the Little Miami river at or near the place where the present old wooden bridge now stands in the village of Milford, and said commissioners of said Hamilton and Clermont counties, respectively, shall make a levy for that purpose upon all the taxable property upon the duplicate of said Hamilton and Clermont counties not exceeding two-tenths of a mill, one-half to be levied upon the duplicate for the year 1891; and the other half upon the duplicate for the year 1892.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
259L

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[Senate Bill No. 519.]

AN ACT

To create a joint high school district for the townships of Harrison and Madison, in Scioto county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the townships of Harrison and Madison, in Scioto county, Ohio, be and they are hereby constituted a joint high school district.

SECTION 2. Nothing in section one of this act shall be so construed as to interfere in any way with the conduct of the schools in the subdistricts in the aforesaid townships of Harrison and Madison, in Scioto county.

SECTION 3. The boards of education in the townships comprising the joint high school district herein provided for, shall be the directors or board of education having joint control of the said high school, which shall be located in or near the village of Harrisonville, in said joint district.

SECTION 4. When in the judgment of a majority of the members of the board of education of the said joint high school district, it becomes necessary for building or other purposes, they may levy a tax of not exceeding two mills on the dollar in addition to any [sum] now allowed by law; provided, that a majority of all the votes cast at any regular election in each of the townships of Harrison and Madison shall vote in favor of the proposition of said board to levy such tax.

SECTION 5. When, if ever, either of the townships of Harrison or Madison embraced in the special joint high school district provided for in this act, wish to dissolve or withdraw from the same, the wish shall be expressed by a two-thirds vote of all the [votes] voters of the township wishing to withdraw, and the township in which the school building or buildings is located, shall pay by a special tax levied for that purpose by the proper authority, to the withdrawing township, two-thirds of the amount of money contributed toward building or improving of said buildings by the township withdrawing.

SECTION 6. Said joint sub-district shall have and receive its proportionate share of school funds and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1890, of children who are entitled to attend school; said funds being those now collected within the county or township treasuries, and shall in all respects be governed by such laws as now are or may hereafter be in force, relating to joint school districts, not inconsistent with this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
260L

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[Senate Bill No. 595.]

AN ACT

To provide for the maintenance of Maple Lawn cemetery in Summit county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the townships of Hudson and Stow in Summit county, Ohio, be and they are hereby authorized to appropriate out of the cemetery fund of each of the aforesaid townships, a sum not to exceed seventy-five dollars annually for the maintenance of Maple Lawn cemetery, situate upon the dividing line between said townships.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
261L

[Senate Bill No. 613.]

AN ACT

To authorize the council of the incorporated village of Leesburg, in the county of Highland, to issue bonds for street improvements and to pay debts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Leesburg, Highland county, Ohio, be and it is hereby authorized to issue the bonds of said village in the sum not exceeding two thousand five hundred ($2,500.00) dollars, in denominations of not less than one hundred nor more than five hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually, or as the council may direct; the proceeds of such bonds to be used for the purpose of improving the streets, alleys and sidewalks of said village, and to pay its indebtedness.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk of said village, and shall not be sold for less than their par value. The principal shall be payable within ten years from the date of said bonds, as the council may determine, and the council of said village is hereby authorized to levy a tax in addition to that now authorized by law upon all the taxable property of said village to pay said bonds and interest as they become due.

SECTION 3. Said bonds shall not be issued nor a tax levied for the same until the question shall have first been submitted to the voters of said village of Leesburg at a general or special election, of which at least ten days' notice shall be given by publication by printed or written notices of such election being posted in at least five (5) conspicuous places in said village; at said election all tickets used in voting upon the question of issuing bonds shall have printed or written upon them the words "Authority to issue bonds—Yes;" or "Authority to issue bonds—No." No bonds shall be issued under this act unless a majority of such vote shall be in favor of the issue of such bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
262L

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[House Bill No. 1074.]

AN ACT

To authorize the commissioners of Franklin county, Ohio, to issue bonds for the purpose of building and constructing a bridge across Alum creek on Broad street in the city of Columbus in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Franklin county be and they are hereby authorized to construct a bridge across Alum creek on Broad street in the city of Columbus, said bridge to be either a stone arch or a low

truss iron bridge as said commissioners shall determine, at a cost of not more than fifty thousand dollars, and in the exercise of their powers and in the performance of their duties in that behalf they shall be governed by the general statutes on the subject, except in so far as their powers and duties are prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expense, of constructing said bridge said commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county according to law, in sums not less than one thousand dollars each, at a rate of interest not to exceed six per centum per annum, payable semi-annually, and not to exceed in the aggregate the sum of fifty thousand dollars; and said commissioners are further authorized to levy a tax on all property on the tax duplicate of said county to pay said bonds as they mature and the interest thereon, for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
263L

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[House Bill No. 1250.]

AN ACT

To authorize the county commissioners of Hamilton county to improve Pleasant Ridge and Madisonville road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, are hereby authorized to improve, as herein provided, the said county road running from the Pleasant Ridge avenue to the Madisonville pike, between sections twenty-three (23) and twenty-four (24), and sections seventeen (17) and thirty (30), and sections eighteen (18) and twenty-nine (29), Columbia township.

SECTION 2. The county commissioners shall establish the grade of said road, and improve the same by grading the roadway to the width of thirty (30) feet, macadamizing same with broken stone sixteen (16) feet in width, and twelve (12) inches deep, and gravel thereon three (3) inches deep, and constructing the necessary culverts.

SECTION 3. The said commissioners, in addition to their other powers of taxation, are hereby authorized to levy and collect in the grand levy of taxes on the taxable property of said county on the duplicate for the year 1891, a tax of one-twentieth of a mill on the dollar; for 1892, one-twentieth of a mill; the fund to be credited to the "Pleasant Ridge and Madisonville road," and to be exclusively applied to the improvement of said road as herein provided; and no part of said fund to be transferred to any other fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
264L

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[House Bill No. 1285.]

AN ACT

To authorize the commissioners of Athens county, Ohio, to make an additional levy of taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Athens county, Ohio, be and are hereby authorized to make an additional levy of two (2) mills on all taxable property of said county, in addition to the tax now authorized by law for county fund for the years 1891, 1892, 1893 and 1894.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
265L

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[House Bill No. 1454.]

AN ACT

To authorize the town council of the village of Delphos, Allen and Van Wert counties, Ohio, to transfer certain funds, namely: One thousand dollars ($1,000) from the general fund to the light fund, from time to time, permanently, as may be needed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Delphos situated in the counties of Allen and Van Wert, state of Ohio, be and is hereby authorized to transfer the sum of one thousand dollars ($1,000) from the general fund to the light fund of said incorporated village, from time to time, permanently, as said council may deem necessary, by an ordinance.

SECTION 2. That this act take effect from and after passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
266L

[House Bill No. 1468.]

AN ACT

To authorize the village of Loveland, in Clermont, Warren and Hamilton counties, to issue and sell the bonds of said village for the purpose of raising money to pay for the seating and furnishing of the town hall in said village of Loveland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Loveland, in the counties of Clermont, Warren and Hamilton, be and the said council is hereby authorized to issue the bonds of said village, not exceeding in amount $1,000 to sell the same and use the proceeds thereof in seating and furnishing the town hall in said village.

SECTION 2. Said bonds to be issued in such an amount, not exceeding $1,000, in such denominations, and payable at such time or times as said council may determine. They shall bear interest at a rate not to exceed six per centum per annum, payable semi-annually, and shall be sold for not less than the par value thereof; said bonds shall be signed by the mayor and countersigned by the clerk of said village.

SECTION 3. For the payment of said bonds and interest thereon, said council shall levy a tax, in addition to the amount otherwise authorized by law, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due that year, and the accruing interest.

SECTION 4. Before such bonds shall be issued or tax levied, the question of issuing said bonds and the levying a tax therefor, the same shall be submitted to a vote of the qualified electors of said village at a regular election or a special election called for that purpose, as the council of said village may order; notice of such election shall be given by public notices posted up at five of the most public places in said village at least five days before said election. The tickets voted at said election shall have written or printed thereon, "Authority to issue bonds—Yes," "Authority to issue bonds—No." If the proposition to issue bonds is approved by a majority of all the voters voting on said proposition at said election, the council of said village shall have authority to issue the said bonds and levy the said tax as provided for in this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
267L

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[House Bill No. 1485.]

AN ACT

To authorize the trustees of Crane township, Paulding county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Crane township, Paulding county, Ohio, are hereby authorized to transfer the sum of two hundred dollars from the cemetery

fund and one hundred dollars from the bridge fund to the general fund of said township.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
268L

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[House Bill No. 1487.]

AN ACT

To authorize the trustees of Franklin township, Portage county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Franklin township, Portage county, Ohio, are hereby authorized and empowered to transfer eight hundred ($800) dollars from the cemetery fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
269L

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[House Bill No. 1488.]

AN ACT

To authorize the trustees of Suffield township, Portage county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Suffield township, Portage county, Ohio, are hereby authorized and empowered to transfer two hundred and fifty ($250) dollars from the road fund to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
270L

[House Bill No. 1491.]

AN ACT

To authorize the county commissioners of Richland county, Ohio, to levy an additional tax for the macadamizing and improving of the county road from the city of Mansfield, Ohio, to the intermediate penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Richland county, Ohio, be and they are hereby authorized to levy a tax upon all the taxable property of said county of one-tenth of one mill, for the purpose of the macadamizing and improving of a county road from the corporation line of the city of Mansfield to the intermediate penitentiary, for each of the years 1891 and 1892; said levies to be in addition to what said commissioners are now, by law, authorized to levy.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
271L

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[House Bill No. 1539.]

AN ACT

To divide Salem township, in the county of Shelby, state of Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Salem, in the county of Shelby, state of Ohio, be and the same is hereby divided into two election precincts as follows: Said division to be made on and along a line beginning at a point where the north and south section line between sections 26 and 27 in Salem township, Shelby county, Ohio, intersects the Greenville treaty line, running thence south along the north and south section line between sections 26 and 27, 34 and 35, 2 and 3 to the center of the north and south section line between said sections 2 and 3; thence east along the east and west half-section line of section 2 to the center of said section 2; thence south along the north and south half-section line of said section 2 to where said line intersects the east and west section line between sections 2 and 11; thence east along said section line to the east and west section line between sections 1 and 12; thence south along the north and south half-section line of section 12 to the Great Miami river. And all of said township lying west of said division line, shall be designated and known as the Port Jefferson precinct, and the voting place shall be at the village of Port Jefferson in said township. And all of said township lying east of said division line shall be designated and known as the Tileton precinct, and the voting place shall be at the village of Tileton, in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
272L

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[House Bill No. 1540.]

AN ACT

To divide Franklin township, in the county of Shelby, state of Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Franklin, in the county of Shelby, state of Ohio, be and the same is hereby divided into two election precincts, as follows, to-wit: Said division to be made on and along the line known as the Greenville treaty line, running in a north-easterly and a south-westerly direction through said township, and all of said township north of said division line shall be designated and known as Anna precinct, and the voting place shall be at the village of Anna in said township; and all of said township lying south of said division line shall be designated and known as Swanders precinct, and the voting shall be at such place as the trustees of said township shall designate.

SECTION 2. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
273L

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[House Bill No. 1547.]

AN ACT

To divide Hardy township, Holmes county, Ohio, into two districts for assessing personal property for taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Hardy, Holmes county, in this state, be and the same is hereby divided into two districts for the purpose of assessing personal property for taxes. The incorporated village of Millersburg in said township shall compose one district, and the remainder of said township not embraced in said village, the other district.

SECTION 2. That at the regular township election held in said township for the election of township officers, there shall be elected one assessor of personal property in each of said districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
274L

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[House Bill No. 1549.]

AN ACT

To authorize the trustees of Painesville township, Lake county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Painesville township, in the county of Lake, state of Ohio, be and they are hereby authorized to transfer from the general fund of said township a sum not to exceed one thousand dollars ($1,000) to the road fund for the improvement of the roads of said Painesville township.

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
275L

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[House Bill No. 1550.]

AN ACT

To authorize the council of the village of Mentor, in Lake county, Ohio, to sell certain land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Mentor, in the county of Lake, state of Ohio, be and they are hereby authorized to sell lot number thirty-eight (38) of Smith and Hart's allotment, now owned by said village.

SECTION 2. If the council shall decide to sell said land, they shall provide therefor by ordinance, and the mayor shall execute in behalf of the village the necessary deed of conveyance, and the funds arising from the sale of said lot of land shall be credited to the general fund of the village.

SECTION 3. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
276L

[House Bill No. 1559.]

AN ACT

To authorize the trustees of Troy township, Geauga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Troy township, Geauga county, Ohio, are hereby authorized to transfer two hundred dollars ($200) from the township fund and one hundred dollars ($100) from the cemetery fund to the road fund of that township.

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
277L

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[House Bill No. 1560.]

AN ACT

To authorize the trustees of Montville township, in Geauga county, Ohio, to sell a piece of land which was purchased for cemetery purposes in said township, and buy other land to be used for same purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Montville, in Geauga county, Ohio, are hereby authorized to sell a certain piece of land, which said trustees bought under an act passed March 18, 1890, and buy with the money realized from the sale of said land, another piece of land to be used for cemetery purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
278L

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[House Bill No. 1562.]

AN ACT

To authorize the commissioners of Adams county to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county, Ohio, be and the same are hereby authorized to construct the following turnpike road, to-wit: Beginning at the West Union and Locust Grove pike; thence with the line west between the lands of Henry Phillips and Edward Butler to the Jacksonville and Newport road; thence with said road to its forks opposite the residence of W. Z. Thoroman; thence north to the scales of Henry Phillips; thence by the most practicable route to the top of the hill near

the south-east corner of Calmes survey; thence by the most practicable route to the town of Newport.

SECTION 2. Said commissioners may, in their direction [discretion], order at once the construction of said road, but before ordering said road shall require donations of not less than twenty per centum of the estimated cost thereof and may issue bonds for the construction of the same, bearing not more than six per cent. interest, which shall not be sold for less than their par value; and may levy a tax not exceeding three mills on the dollar annually on the taxable property of said county for the purpose of paying said bonds and interest.

SECTION 3. A majority of said commissioners may at any regular or special session agree upon plans and specifications and order said improvement or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
279L

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[House Bill No. 1564.]

AN ACT

To authorize the commissioners of Athens county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Athens county, Ohio, be and they are hereby authorized to transfer the sum of four thousand five hundred dollars ($4,500) from the poor fund to county or general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
280L

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[House Bill No. 1565.]

AN ACT

To amend an act entitled "An act to authorize the board of education of the village of Nelsonville, Athens county, Ohio, to issue bonds to purchase grounds and erect thereon school buildings," passed February 18, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village of Nelsonville, Athens county, Ohio, be and hereby is authorized to issue bonds, in a sum not exceeding the sum of ten thousand ($10,000.00) dollars, bearing interest at a rate not exceeding six per cent. per annum, and redeemable at a period not exceeding twenty (20) years from date of issue.

SECTION 2. Said bonds shall be signed by the president of said board of education of said village, and countersigned by the clerk of said board, and shall be made payable at such place or places as the board of education of said village shall provide, and said bonds shall not be sold at less than their par value, and may be issued and sold at such times and places and in such amounts as the board of education of said village may provide.

SECTION 3. Before said board of education of said village shall issue the bonds herein provided for, the proposition shall be submitted to the qualified electors of said village at any general or special election called for that purpose, at least ten days' notice being given of such election. The election shall be held at the usual place of holding elections in said village and said election shall be held within ninety days from the passage of this act, and all electors favoring said proposition shall have written or printed on their ballots "Issue bonds to purchase grounds and erect thereon school buildings, Yes," and those opposed "Issue bonds to purchase grounds and erect thereon school buildings, No," and should a majority of the electors voting upon such proposition, vote "yes," then said board of education may issue and sell said bonds, and purchase grounds and erect thereon school buildings, as provided in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
281L

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[House Bill No. 1568.]

AN ACT

To authorize the council of the village of Bedford, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the incorporated village of Bedford, Cuyahoga county, Ohio, is hereby authorized to transfer two hundred ($200.00) dollars from the sanitary fund to the lighting fund of said village.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
282L

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[House Bill No. 1569.]

AN ACT

To authorize the trustees of Lafayette township, Coshocton county, Ohio, to dispose of and purchase certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Lafayette township, Coshocton county, Ohio, be

and are hereby authorized and empowered to dispose of lot number four (4), in Kirk's addition, to the village of West Lafayette, Ohio, and invest the proceeds of said sale in the purchase of such other lot as they may deem desirable for the use of said township.

SECTION 2. This act to be in effect and force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
283L

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[House Bill No. 1576.]

AN ACT

To authorize the incorporated village of Cleves, Hamilton county, Ohio, to issue bonds for the purpose of providing fire protection and paying for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Cleves, Hamilton county, Ohio, is hereby authorized to issue bonds not exceeding in amount sixteen hundred ($1,600) dollars, for the purpose of providing fire protection and paying for the same.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and may be issued in denominations not less than fifty (50) nor more than one hundred and fifty ($150) dollars, bearing interest not exceeding six per cent. per annum, payable either annually or semi-annually, as may be determined by said council, and said bonds to run for such length of time, not exceeding six (6) years, and to become due in such installments as may be determined by said council.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, not exceeding one and one-half (1½) mills on the dollar, in any one year, in addition to the taxes now authorized by law to be levied which levy shall be placed on the duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
284L

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[House Bill No. 1578.]

AN ACT

To authorize the commissioners of Jackson county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Jackson county, Ohio, be and are hereby authorized

SECTION 2. Said bonds shall be signed by the president of said board of education of said village, and countersigned by the clerk of said board, and shall be made payable at such place or places as the board of education of said village shall provide, and said bonds shall not be sold at less than their par value, and may be issued and sold at such times and places and in such amounts as the board of education of said village may provide.

SECTION 3. Before said board of education of said village shall issue the bonds herein provided for, the proposition shall be submitted to the qualified electors of said village at any general or special election called for that purpose, at least ten days' notice being given of such election. The election shall be held at the usual place of holding elections in said village and said election shall be held within ninety days from the passage of this act, and all electors favoring said proposition shall have written or printed on their ballots "Issue bonds to purchase grounds and erect thereon school buildings, Yes," and those opposed "Issue bonds to purchase grounds and erect thereon school buildings, No," and should a majority of the electors voting upon such proposition, vote "yes," then said board of education may issue and sell said bonds, and purchase grounds and erect thereon school buildings, as provided in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
281L

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[House Bill No. 1568.]

AN ACT

To authorize the council of the village of Bedford, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Bedford, Cuyahoga county, Ohio, is hereby authorized to transfer two hundred ($200.00) dollars from the sanitary fund to the lighting fund of said village.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
282L

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[House Bill No. 1569.]

AN ACT

To authorize the trustees of Lafayette township, Coshocton county, Ohio, to dispose of and purchase certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Lafayette township, Coshocton county, Ohio, be

and are hereby authorized and empowered to dispose of lot number four (4), in Kirk's addition, to the village of West Lafayette, Ohio, and invest the proceeds of said sale in the purchase of such other lot as they may deem desirable for the use of said township.

SECTION 2. This act to be in effect and force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
283L

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[House Bill No. 1576.]

AN ACT

To authorize the incorporated village of Cleves, Hamilton county, Ohio, to issue bonds for the purpose of providing fire protection and paying for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Cleves, Hamilton county, Ohio, is hereby authorized to issue bonds not exceeding in amount sixteen hundred ($1,600) dollars, for the purpose of providing fire protection and paying for the same.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and may be issued in denominations not less than fifty (50) nor more than one hundred and fifty ($150) dollars, bearing interest not exceeding six per cent. per annum, payable either annually or semi-annually, as may be determined by said council, and said bonds to run for such length of time, not exceeding six (6) years, and to become due in such installments as may be determined by said council.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, not exceeding one and one-half (1½) mills on the dollar, in any one year, in addition to the taxes now authorized by law to be levied which levy shall be placed on the duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
284L

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[House Bill No. 1578.]

AN ACT

To authorize the commissioners of Jackson county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Jackson county, Ohio, be and are hereby authorized

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
290L

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[House Bill No. 1593.]

AN ACT

To authorize the board of education of the city of Portsmouth, Scioto county, Ohio, to issue bonds for the purpose of purchasing a site, erecting and furnishing a school building and to levy a tax for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Portsmouth, Scioto county, Ohio, be and is hereby authorized to borrow the sum of twelve thousand ($12,000) dollars to be applied to the payment of the expense to be incurred in the erection and furnishing of a school building in said city and in purchasing a site therefor.

SECTION 2. That for the purpose of meeting the expense aforesaid, the said board is hereby authorized to issue bonds to be signed by the president and attested by the clerk of said board in denominations of one thousand ($1,000) dollars, each bearing interest at a rate not to exceed six per cent. (6%) per annum, payable semi-annually, said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof as said board may determine and said bonds shall not be sold for less than their par value.

SECTION 3. Said board of education shall annually cause the necessary tax to be levied on the taxable property in said city to pay the interest on said bonds, and to pay the principal thereof, as the same shall become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
291L

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[House Bill No. 1596.]

AN ACT

To repeal an act entitled "An act to create a special school district in Seneca, Summit and Malaga townships, Monroe county, Ohio," passed February 25, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to create a special school district in Seneca, Sum-

mit and Malaga townships, Monroe county, Ohio," passed February 25, 1891, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
292L

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[House Bill No. 1600.]

AN ACT

To authorize the Freewill Baptist church organization of Blanchester, Clinton county, Ohio, to borrow money and mortgage certain real estate belonging to said church organization.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Freewill Baptist church of Blanchester, Clinton county, Ohio, be and they are hereby authorized and empowered to borrow money and secure the same by giving mortgage on a certain portion of real estate owned by said Freewill Baptist church organization in the town of Blanchester, Clinton county, Ohio, for the purpose of erecting a parsonage.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
293L

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[House Bill No. 1601.]

AN ACT

To authorize the commissioners of Brown county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct the following free turnpike road: Beginning at a point on the Ripley and Georgetown turnpike road, at or near the corporation line of south Georgetown, and running in a southerly direction on or near what is known as the Georgetown and Free-soil dirt road or as near thereon as may be deemed practicable and terminating at the Free-soil cross-road near corner of George Mathew's farm.

SECTION 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road, provided said bonds shall bear interest at the rate of not to exceed six per cent. per annum,

payable annually, and shall not be sold for less than their par value; provided further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SECTION 3. That said commissioners shall before proceeding to construct said road or any part thereof, require and secure from those interested in said improvement a subscription, or donation equal in amount to twenty per centum of the cost of said improvement to aid in the construction of the same or in lieu thereof, may cause those interested in said improvement to grade and culvert said road or part thereof, ready for the material for the same.

SECTION 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax not exceeding one mill on the dollar, annually, on any and all property in said county.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
294L

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[House Bill No. 1609.]

AN ACT

Supplementary and amendatory to an act to amend section one of an act entitled an act to authorize the county commissioners of Cuyahoga county to build a monument or a memorial tablet commemorative of the deceased soldiers and sailors of said county, and to purchase a site therefor, passed April 2nd, 1880 (vol. 77, p. 368), as amended February 4th, 1881 (vol. 78, p. 316), as amended April 22nd, 1885 (vol. 82, p. 368), as amended April 16, 1888 (vol. 85, p. 564), as amended January 30th, 1890 (vol. 87, p. 391), be so supplemented and amended as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled an act to authorize the county commissioners of Cuyahoga county, to build a monument or memorial tablet commemorative of the deceased soldiers and sailors of said county, and to purchase a site therefor, passed April 2nd, 1880 (vol. 77, p. 368), as amended February 4th, 1881 (vol. 78, page 316), as amended April 22nd, 1885 (vol. 82, p. 368), as amended April 16th, 1888 (vol. 85, p. 564), as amended January 30th, 1890 (vol. 87, p. 391), be so supplemented and amended as to read as follows:

Sec. 1. That the county commissioners of Cuyahoga county be and they are hereby authorized to levy a tax upon all the taxable property of said county, not exceeding six-tenths of a mill on the dollar of the valuation of said property in addition to any tax heretofore levied under said acts, to be levied and collected as follows: For the year 1891 one-tenth of a mill, for the year 1892 one-tenth of a mill, for the year 1893 two-tenths of a mill, for the year 1894 two-tenths of a mill, which amounts shall be levied and collected annually as aforesaid, for the purpose of erecting a suitable structure commemorative of the services, patriotism and valor of the soldiers and sailors of the union army and navy in the war of the rebellion, who enlisted from Cuyahoga county and either were killed, died

of wounds or disease contracted in said service, or subsequently died residents of said county, and to purchase a suitable site therefor; and the funds heretofore collected under said act shall be applied, together with that raised under and pursuant to this act, to the purpose aforesaid.

SECTION 2. That for the purpose of anticipating the collection of said tax, the county commissioners of said county be, and are hereby authorized and directed to issue bonds or notes, payable at such times and in such amounts as will be, as near as practicable, equal to the annual or semi-annual collection of taxes levied for that purpose, which bonds or notes shall bear interest at a rate, not to exceed six per cent. per annum, which bonds or notes may be delivered to the soldiers' and sailors' monument commission of said county, to be sold by them or by the said county commissioners, for money, at not less than their par value, but none of said bonds shall run more than five years from their date.

SECTION 3. That as soon as said bonds or notes shall be converted into money, as provided for in section 2, in this act, the same shall be placed at the disposal of said soldiers' and sailors' monument commission as is now provided for by the several acts to which this act is supplementary and amendatory.

SECTION 4. That said soldiers' and sailors' monument commission be and they are hereby authorized to direct the county commissioners of said county to supply the said monument with steam heat and lights from the county court-house.

SECTION 5. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
295L

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[House Bill No. 1612.]

AN ACT

To authorize the village council of Yellow Springs, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Yellow Springs, Greene county, Ohio, be and the same are hereby authorized to transfer two hundred ($200.00) dollars from the police fund, and two hundred and eight ($208.00) dollars from the fire fund, making four hundred and eight ($408.00) dollars to the town hall fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
296L

denominations and payable at such times as the said council may direct, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, the money realized from such bonds to be used wholly in straightening and improving Rock creek in said city, and in paying any costs and damages incident thereto, and the said city council is hereby in addition to that now authorized by law, authorized to make such levy on the taxable property in said city, as may be necessary to pay the principal and interest of said bonds.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
300L

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[House Bill No. 1632.]

AN ACT

To amend an act entitled "An act to divide Bucks township, Tuscarawas county, Ohio, into two election precincts," passed April 26th, 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Bucks township, Tuscarawas county, Ohio, be divided into two election precincts, and said two election precincts shall be known as east and west precincts, of said township, and shall be divided by the following line to-wit: Beginning at south-west corner of Auburn township of said county, thence south to middle of section line between sections seventeen (17) and eighteen (18); thence west to center of section seventeen (17), thence south to middle of south section line of section twenty-four (24); provided, that only one township assessor be elected in said township, by the qualified electors of the said two precincts.

SECTION 2. That said original act passed April 26, 1890, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
301L

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[House Bill No. 1637.]

AN ACT

To authorize the incorporated village of Orrville, Wayne county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Orrville, Wayne county, Ohio, be and the same is hereby authorized to transfer the sum of three hundred dollars from the general fund to the fire fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
302L

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[House Bill No. 1638.]

AN ACT

To authorize the trustees of Antrim township, Wyandot county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Antrim township, Wyandot county, Ohio, be and the same are hereby authorized to transfer from the bridge fund of said township to the road fund thereof, two hundred (200) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 2, 1891.
303L

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[House Bill No. 1513.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax to improve Edwards' road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized to levy and collect in the grand levy of taxes on the taxable property of said county, on the duplicate for the year 1891, a tax of one-twelfth ($\frac{1}{12}$) of a mill on the dollar, the fund so raised to be credited to the Edwards' road fund, and to be applied to the cost and expense of improving the same, and that said road be improved in accordance with the plans, grade and survey made by the county surveyor of said county, and now on file in his office, from its intersection with the Linwood road northwardly to a point about three hundred feet north of the Wasson road.

SECTION 2. The county surveyor of said county is hereby authorized to prepare specifications and an estimate of the cost and expense of the said improvement and file the same with the county commissioners, who are hereby instructed to begin the improvement of said road at any time after the passage of this act, and make the levy for the same. Said commissioners shall have sole and exclusive jurisdiction in making said im-

provement. The surveyor shall be allowed such compensation for his services as the commissioners shall deem proper.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 3, 1891.
304L

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[House Bill No. 1574.]

AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to grade, macadamize, and improve the county road in Delhi township, commonly called Rapid Run road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and are hereby authorized to assess and collect upon the grand levy of the taxable property of said county a tax of one-tenth of one mill on the dollar, one-half of which shall be assessed and collected on the duplicate of 1891 and the remainder on the tax duplicate of 1892, and be applied to the grading, macadamizing and improving the county road in Delhi township, known as the Rapid Run road, beginning at the North Bend road in the village of Delhi in sec. 35, thence north-east through said section, thence north-east through the south-east part of sec. 36, thence north-east through sec. 30, thence through sec. 24 to the commencement of the Rapid Run turnpike at Nickolas Backscheider's corner, provided, that the amount thus to be expended shall not exceed twenty thousand dollars ($20,000), and any balance remaining to the credit of said fund raised under the provisions of this act after the completion of said improvement, shall be reserved by said commissioners for the benefit of said road.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 3, 1891.
305L

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[House Bill No. 1591.]

AN ACT

To authorize the village of Niles, Trumbull county, to erect or purchase an electric light plant, and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Niles, Trumbull county, Ohio, be and it is hereby authorized and empowered to erect or purchase an electric light plant for supplying the streets, squares, alleys, public grounds and build-

ings, and all public places within the limits of the village and for supplying the citizens of said village with light, or all, any, or either of them.

SECTION 2. That the council, when they determine to erect or purchase an electric light plant, as provided and for the purpose set forth in this act, [it] shall proceed as follows:

FIRST. It shall cause plans and specifications to be made, showing the kind and character of the work to be done, the kind and character of the materials to be used, the number, size, style and location of all lights to be placed for public use, which plans and specifications shall be open for inspection of all parties desiring to prepare and offer bids, either for the furnishing of the material, or performing of the labor, or both, at least thirty days prior to the letting of the contract or contracts.

SECOND. It shall advertise for bids for a period of three weeks in the local paper of the village, or other weekly paper having a general circulation in the village, setting forth that sealed proposals would be received up to twelve o'clock at noon on the last day as stated in the advertisement.

THIRD. The bids shall be opened at twelve o'clock at noon on the last day for the filing of the same, by the village clerk, the mayor, and solicitor, or any two of them, in the presence of at least a majority of the council, and publicly read by the officer opening the same, and filed in the office of the village clerk, and shall be reported by him to the council at the next regular meeting thereafter.

FOURTH. Each bid shall contain the name of every person, corporation or company interested in the same, and shall be accompanied by a sufficient guaranty of some disinterested person or persons that the bid, if accepted, a contract will be entered into, and the performance of it properly secured.

FIFTH. If the bid for embraces both labor and material, they shall be separately stated, with the price thereof.

SIXTH. None but the lowest responsible bid shall be accepted; but the council may, in its discretion, reject all the bids, or it may, at its discretion, accept any bid for both labor and material which may be the lowest aggregate cost for the completion of the improvement.

SECTION 3. That before the village council of said village shall be authorized to make an expenditure of money, under any of the provisions of this act, they shall first submit the question of making said improvement to a vote of the qualified voters of said village, at a regular, or special election, to be called for that purpose, which shall be advertised at least two successive weeks next preceding the holding thereof, in the local paper, or papers of said village, specifying the time and place, and the object of said election, which shall be submitted in the following manner, to-wit: The ballots of those favoring the improvement shall have plainly written or printed upon their face the words, "For electric lights—Yes;" and those opposed to the improvement shall have written or printed on the face of their ballots the words, "For electric lights—No;" and if a majority of the ballots cast at said election shall have written or printed thereon the words, "For electric lights—Yes," then said council are authorized to proceed to make said improvement.

SECTION 4. For the purpose of providing the funds with which to pay for said improvement, said council are hereby authorized to issue the bonds of said village, in such denominations and in such amounts as they

may deem necessary to complete said improvement, not, however, in the aggregate to exceed the sum of ten thousand dollars, for the full completion of said improvement, and provided further, that said bonds shall not bear a greater rate of interest than six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value.

SECTION 5. All earnings of said electric light plant, after deducting current expenses, shall be paid into a sinking fund and used for the extinguishment of said indebtedness; and the said council may levy an additional tax on all taxable property in said village of not more than two mills on each dollar for the purpose of paying the interest and principal of said bonds when they become due, and to create a sinking fund for that purpose.

SECTION 6. This act shall take effect from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 3, 1891.
306L

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[Senate Bill No. 623.]

AN ACT

To authorize the council of the village of Leipsic, county of Putnam and state of Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Leipsic, county of Putnam and state of Ohio, be and they are hereby authorized to transfer the sum of five hundred ($500.00) dollars, from the "fire fund" to the "borough fund" of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
307L

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[Senate Bill No. 641.]

AN ACT

To authorize the commissioners of Columbiana county, Ohio, to locate and construct a county road from the east end of Cook street in the city of East Liverpool, Columbiana county, to intersect the state road leading eastward from said city, and to provide for the payment and expense thereof.

WHEREAS, The state road formerly established along the bank of the Ohio river within and beyond the limits of the city of East Liverpool, Columbiana county, Ohio, has been washed away and rendered impassable by the waters of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That he county commissioners of Columbiana county, Ohio, are hereby uthorized and empowered to locate and construct a county road sixty eet in width, commencing at the east end of Cook street in the city of East Liverpool, Ohio, running thence eastward so as to intersect the state oad north of the Cleveland and Pittsburgh railroad right of way on ubstantially the same route as heretofore surveyed by the county surveyor f said county, and for this purpose the said commissioners may employ competent surveyor and proceed to view, re-survey, lay out and correctly nark said road throughout with the changes therein made, together with he width, which shall be sixty feet, and said surveyor shall make and leliver to the commissioners a correct certified return of the survey of aid road, and a plat of the same, together with a pertinent description of he lands required to be used in making said road; and thereupon the commissioners shall immediately cause said survey and plat of said road o be recorded, and from thenceforth said road, as re-surveyed, shall be considered and become a public highway. The commissioners and owners of any such lands, so to be used, may agree upon the amount and compensation of damages to be paid therefor, and when such lands are owned by minors or other persons under guardianship, or any part of said property is entailed, such agreement may be made with the guardian of such ward or owners of an entailed estate subject to the approval of the probate judge, and in case they are unable so to agree, the commissioners shall appropriate the same without unnecessary delay; and for this purpose they shall make application in writing to the court of common pleas, or to a judge thereof in vacation or probate court of the county, which application shall contain the name or names of the owner or owners of the respective parcels of land sought to be appropriated, together with a pertinent description and plat of such lands and thereupon the same proceedings shall be had, in every and all respects, as provided for in the appropriation of private property, by municipal corporations for public purposes, by the Revised Statutes of Ohio, and the said commissioners shall cause to be paid from the county treasury all compensation and damages to land-owners, and the cost for locating and constructing said road, and cost of re-survey and all other proceedings provided for in this act; and the commissioners are hereby authorized to levy on all taxable property of the county, in addition to taxes now authorized by law, an amount sufficient to pay the costs and expenses incurred in the locating and construction of said improvement.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 6, 1891.
308L

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[House Bill No. 1268.]

AN ACT

To authorize the creation of a special school district, composed of parts of Jackson, Jefferson, Enoch and Olive townships, Noble county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, to-wit: Beginning at the north-west

corner of lands owned by Loomis and Ostrander, in the south-west quarter of section thirty-six (36), township six (6), and range nine (9), in Olive township, Noble county, Ohio; thence south along the section line to the south-west corner of the north-west quarter of section twelve (12), township five (5), and range nine (9), in Jackson township in said county; thence east to the north-east corner of the west half of the south-west quarter of said section last aforesaid; thence south to the section line; thence east along the section line to the township line dividing Jackson township, Noble county, Ohio, from Washington county, Ohio; thence north along said township line to the south-west corner of H. Kellar's land, in section six (6), in Jefferson township, in said Noble county; thence east along the line dividing Noble and Washington counties, to the road leading from Middleburgh to Macksburgh, Washington county, Ohio; thence north following the east line of B. Corp's land, in section six (6), in said Jefferson township, to the north-east corner of said land; thence east to the south-east corner of lands owned by the Ohio coal company, in section five (5), in said township; thence north on the west line of J. S. Davis' land in said section, to the north-west corner of said land; thence east to the south-west corner of W. H. Davis' land in said section; thence north to the line dividing Enoch and Jefferson townships, in said county of Noble; thence east to the south-east corner of Duke Kellar's land, in section thirty-two (32), in Enoch township, in said county; thence north along the east line of said Kellar's land to the north-east corner of the same; thence west to a corner on the east line of Zac. Dailey's land in said section thirty-two (32), in said township; thence north on the east line of said lands to the quarter-section line in said section; thence west along said quarter-section line to the south-west corner of the north-west quarter of said section; thence north along the east line of the lands owned by the Ohio coal company, in section thirty-one (31), in said township, to the north-east corner of the same; thence west to the north-west corner of said lands; thence north to the section line dividing sections thirty (30) and thirty-one (31) in said township; thence west along said section line to the public road leading from Heron's ridge to Duck creek; thence south following said road to where it intersects the east line of J. McClasky's land in said section thirty-one (31); thence south to the south-east corner of the south-west quarter of the north-west quarter of said section; thence west to the north-west corner of William Davis' lands in section thirty-six (36), in Olive township, in said Noble county; thence south along the west line of said lands to the public road; thence west along said road to where it intersects the east line of William Davis' land in said section last aforesaid; thence south to the north bank of the west fork of Duck creek; and thence west along said north bank of said creek, following the meanderings thereof, to the north-east corner of Loomis' and Ostrander's land; thence west along the north line of said lands, in said section, to the place of beginning; shall be and the same is hereby created and declared to constitute a special school district, to be known and designated as the Dexter City special school district.

SECTION 2. That the land belonging to B. Corp, situated in the south-east quarter of section six (6), in Jefferson township, in said county of Noble, heretofore constituting a part of the Macksburgh special school district, be detached from said special school district, and be made a part of said Dexter City special school district, the same being a part of the land included in the territory described in section one (1) of this act.

SECTION 3. That the west half of the south-east quarter of section

thirty-three (33), township six (6) of range eight (8), and the south-west quarter in section, township, and range aforesaid, and the south-east quarter of the south-east quarter, and the south-east quarter of the north-west quarter of section thirty-two (32), township six (6) of range eight (8), and the west half of the north-west quarter in section, township and range last aforesaid; and the north-east quarter of the north-east quarter of section thirty-one (31), township and range last aforesaid in Enoch township, Noble county, Ohio, be transferred to sub-district number eight (8), in said township.

SECTION 4. That the west half of the west half of the north-east quarter of section five (5), township five (5), of range eight (8), and the south-east quarter of the north-west quarter, and the south half of the north-east quarter in section, township, and range aforesaid, and the east half of the north half of the north-east quarter of the north-west quarter of the north-west quarter in section, township and range aforesaid, in Jefferson township, Noble county, Ohio, be transferred to sub-district number eight (8), in said township.

SECTION 5. That within twenty days from the passage of this act, written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices then and there to elect a board of education of the said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and a clerk, who shall be judges of said election, which shall continue at least two hours, and shall not close before four o'clock p. m. and shall then choose by ballot three competent and judicious persons, qualified electors thereof, to serve as members of the board of education of the said special district, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years, from said third Monday, and each to serve until the election and qualification of their successors, and on the second Monday of April of each year following the first election of the board of education, there shall be elected one member to serve for three years, and until his successor is elected and qualified.

SECTION 6. That all the school property situated within said described territory, shall belong to and be the property of said Dexter City special school district, and said school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for schoolhouse and incidental expenses in said territory, in accordance with the enumeration of the year 1890, of children who are entitled to attend school; said funds including those now collected within the county or township treasury, that are not required to pay the expenses heretofore incurred for schools by the boards of local directors in the territory described in section one (1) of this act, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
309L

[House Bill No. 1614.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to build a free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Clermont county, be and they are hereby authorized to build and construct a good and substantial free turnpike road in said county, said pike to be located on the road leading from the Lindale and Nicholsville pike to the Nicholsville and Ulrey's Run pike, beginning at the Lindale and Nicholsville pike; thence on the line of the old road as nearly as practicable, so that suitable ground and an easy grade can be obtained to the Ulrey Run and Nicholsville pike, said road to be not less than forty nor more than sixty feet in width to be determined by the commissioners.

SECTION 2. That said commissioners shall, before proceeding to construct said road or any part of same require and secure from those interested in said free pike a subscription or donation equal in amount to twenty per centum of the cost of said improvement to aid in the construction of the same.

SECTION 3. That for the purpose of paying for said improvement the county commissioners are hereby authorized to levy and assess a tax not exceeding three-tenths of one mill on the dollar on any and all property on the tax duplicate of said county.

SECTION 4. That a majority of said board of county commissioners shall at a regular session be necessary to agree upon plans and specifications and order said improvement or any part thereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
310L

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[House Bill No. 1624.]

AN ACT

To authorize the board of education of the Dresden village school district, Muskingum county, Ohio, to levy an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Dresden village school district, Muskingum county, Ohio, be and they are hereby authorized to levy, in the year 1891, a tax not to exceed one mill on each dollar of the assessed value of the taxable property of said school district, in addition to that already authorized by law; and the moneys arising or collected from said additional levy hereby authorized shall be placed to the credit of the contingent fund of said school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
311L

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[House Bill No. 1649.]

AN ACT

To authorize the village council of the village of Osnaburgh, Stark county, Ohio, to issue bonds for the purpose of purchasing a fire engine and apparatus for the fire department of said village as the council may direct.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Osnaburgh, Stark county, Ohio, is hereby authorized and empowered to issue bonds not to exceed one thousand dollars ($1,000), for the purpose of puchasing a fire engine and apparatus for the fire department of said village, as the council may direct; said bonds shall be issued in denominations of two hundred ($200) dollars each and payable at such times, not exceeding five years, as said council may direct; said bonds shall bear interest at six per cent., interest payable annually, and shall not be sold for less than their par value; said bonds shall be signed by the president and clerk of the village council.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
312L

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[Senate Bill No. 1651.]

AN ACT

To authorize the council of the incorporated village of Woodstock, Champaign county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Woodstock, Champaign county, be and is hereby authorized to transfer the sum of two hundred and seventy ($270) dollars from the police fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
313L

[House Bill No. 1653.]

AN ACT

To authorize the council of Cedarville, Greene county, Ohio, to issue bonds, and borrow money to meet current expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of Cedarville, Greene county, Ohio, be and are hereby authorized to issue the bonds of said village not exceeding fifteen hundred dollars in amount, for the purpose of meeting the current expenses.

SECTION 2. That said bonds shall be signed by the president of council, and attested by the corporation clerk, shall be for the sum of one hundred ($100) [dollars] each; shall bear interest at a rate not to exceed six per cent. per annum, shall be payable at such times as the council shall determine, but within ten years from the date of issue, and shall not be sold for less than their face value; and the council shall levy annually, such tax as is necessary to pay the bonds as they become due, and all accrued interest.

SECTION 3. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
314L

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[House Bill No. 1656.]

AN ACT

To authorize the board of education of the city of Marion, Marion county, Ohio, to borrow money and issue bonds therefor for the purpose of building and furnishing a school-house in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Marion, Marion county, Ohio, be and are hereby authorized to borrow money in any sum, not exceeding ten thousand dollars, for the purpose of building a school-house in said city.

SECTION 2. That to enable said board to raise money for the purpose aforesaid, said board is authorized to issue bonds, which bonds shall be signed by the president and attested by the clerk of said board of education, in sums not less than one hundred dollars and not more than one thousand dollars each, said bonds to bear interest not exceeding six per cent. per annum, payable semi-annually, and payable at such times not exceeding ten years from their dates, as said board may determine; said bonds shall not be sold for less than their par value and said board may have interest coupons attached to said bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
315L

[House Bill No. 1657.]

AN ACT

To authorize the trustees of Canton township, Stark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Canton township, Stark county, Ohio, be and are hereby authorized to transfer one thousand ($1,000) dollars from the poor fund to the road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
316L

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[House Bill No. 1658.]

AN ACT

To authorize the council of the village of Canal Fulton, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Canal Fulton, Stark county, be and is hereby authorized to transfer four hundred ($400.00) dollars from the corporation fund to the street fund, and one hundred and seventy-five ($175.00) dollars from the marshal's fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
317L

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[House Bill No. 1662.]

AN ACT

To authorize the school board of North Lewisburg village school district, of Champaign county, to make an additional levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the school board of North Lewisburg village school district, of Champaign county, is hereby authorized to levy, in addition to the amount now authorized by law, on all the taxable property in said school district, during the years 1891, 1892, and 1893, an amount not to exceed two mills on the dollar, the same to be applied toward maintaining the schools of said district.

SECTION 2. This act shall take effect and be in force from and after passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 7, 1891.
318L

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[House Bill No. 1421.]

AN ACT

To authorize the council of the incorporated village of Swanton, Fulton county, Ohio, to issue bonds for the purpose of improving Main street of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of Swanton, Fulton county, Ohio, is hereby authorized to issue the bonds of said village in a sum not exceeding four thousand dollars ($4,000) in denominations of not more than five hundred dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable at a period not exceeding eight years from date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and said bonds shall not be sold for less than their par value and shall be issued in such amounts and be made payable at such place as the council of said village shall provide by ordinance.

SECTION 2. The money arising from the sale of such bonds shall be used by the council of said village for the purpose of grading, improving and macadamizing said Main street in said village of Swanton, Fulton county, Ohio, and for no other purpose whatever.

SECTION 3. Whenever the bonds or any part thereof have been issued as provided in this act it shall be the duty of the council of said village, and as the same may fall due to levy a tax on all the taxable property of said village corporation sufficient to pay the bonds and interest accruing on same as they may become due.

SECTION 4. Before said bonds shall be issued the council of said village shall submit the question of the issue of such bonds and the said taxation to the qualified electors of said village at any regular or special election held in said village of which notice shall be given in the newspaper published and of general circulation in said village for two weeks prior to said election. Electors who favor issuing said bonds and levying said tax shall have written or printed on their ballots the words: "Main street improvement bonds—Yes," and those electors opposed, shall have written or printed on their ballots the words: "Main street improvement bonds—No," and if two-thirds or more of all the votes cast at said election upon said question, shall be in favor of said issue of said bonds and the levying of said tax the council of said village shall be authorized and empowered to issue said bonds and levy said tax.

SECTION 5. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
319L

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[House Bill No. 1563.]

AN ACT

To authorize the commissioners of Adams county, Ohio, to refund certain alleged taxes collected.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county, Ohio, are hereby authorized to refund the amount of taxes erroneously assessed and collected of R. E. Lockhart on 292 acres of land part of C. Scott's survey No. 491 original quantity 2,000 acres on the waters of the Ohio river in Rome special school district, Adams county, Ohio, during the tax years of 1882, 1883 and 1884, when in their judgment they may find said taxes so erroneously assessed and collected, was done by reason of a clerical error of the auditor of said county in making up the tax duplicate of the said years, and said amount so refunded shall be returned from the fund or funds credited in whole or in part by such erroneous assessment and collection.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
320L

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[House Bill No. 1650.]

AN ACT

To authorize the council of the incorporated village of Ashley, Delaware county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Ashley, Delaware county, Ohio, be and it hereby is authorized and empowered to transfer the sum of four hundred dollars ($400.00) from the general revenue fund to the street fund, and the sum of one hundred dollars ($100.00) from the marshal fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
321L

[House Bill No. 1655.]

AN ACT

To detach certain lands lying and being within the corporate limits of the city of Lancaster, in Lancaster township, Fairfield county, in the state of Ohio, and which are hereinafter described, from other lands in said city and township and attach the same to other townships contiguous thereto in said Fairfield county, Ohio, as the same originally belonged, pursuant to the written petitions and requests of a majority of the freehold electors owning and residing upon said lands so sought to be detached as aforesaid.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the lands originally known and described as the north-east quarter of section two (2) Hocking township, Fairfield county, Ohio, and lately unnecessarily annexed to the city and township of Lancaster, Ohio, containing (160) one hundred and sixty acres more or less, be and the same are hereby detached from the other lands in said city and township of Lancaster, Fairfield county, Ohio, and are hereby attached to said section two (2) Hocking township, Fairfield county, Ohio, contiguous thereto and made a part thereof, as said lands were originally in the survey of said section two (2) Hocking township, Fairfield county, Ohio.

SECTION 2. *And be it further enacted by the General Assembly of the State of Ohio*, That the following lands originally known and described as the west half of section (No. 5) number five in Berne township (No. 14) number fourteen of range (No. 18) number eighteen in Fairfield county, Ohio, and lately unnecessarily annexed to the city and township of Lancaster, in Fairfield county, Ohio, containing 320 acres more or less, be and the same are hereby detached from the other lands in said city and township of Lancaster in Fairfield county, Ohio, and are hereby attached to the said section (No. 5) number five in the township of Berne in said Fairfield county, Ohio, contiguous to said lands described in this second section of this act, hereby detached from the lands in said city and township of Lancaster in Fairfield county, Ohio, and described in this section and hereby attached to said section (No. 5) number five in said Berne township in Fairfield county, Ohio, and made part thereof as said lands were originally in the survey of said section (No. 5) number five in Berne township, Fairfield county, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
2C2L

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[House Bill No. 1666.]

AN ACT

To authorize the council of the village of Salineville, Columbiana county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Salineville, Columbiana county, Ohio, is

hereby authorized and empowered to transfer the sum of three hundred and twenty ($320.00) dollars from the police fund, to the lighting fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 8, 1891.
323L

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[House Bill No. 1196.]

AN ACT

To authorize the township trustees of Prospect township, Marion county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Prospect township, Marion county, Ohio, be and are hereby authorized to transfer the sum of one thousand dollars from the cemetery fund to the township fund and thirty dollars from the bond fund to the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
324L

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[House Bill No. 1681.]

AN ACT

Authorizing the trustees of Newark township, Licking county, Ohio, to levy a tax for the purpose of erecting a soldiers' memorial building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Newark township, Licking county, Ohio, shall at any special or general election, notice thereof to be given by them not less than ten days previous, by publication in two daily and two weekly newspapers printed in and of general circulation in said township, submit to the qualified voters of said township, including the city of Newark, the question of taxation to the amount of $50,000.00 for purchasing a site and erection of a soldiers' memorial building thereon in said city of Newark, in said township; and those voting in favor of said tax shall write or print on their ballots, "Memorial Building—Yes;" and those opposed thereto shall write or print on their ballots, "Memorial Building—No;" and if a majority of the votes cast at said election on said question shall be in favor of said tax, the trustees of said Newark township shall issue the bonds of said township to the amount of $50,000 00 due and payable in such allotments during twenty years, that their payments shall be met by receipts of taxes; these bonds to bear interest not exceeding six per cent. per annum, payable

semi-annually, and to be issued as needed, to be of such denominations and to be payable at such times as said trustees shall determine, to be advertised and sold by said trustees as required by law to bear and have specified upon their face the purpose for which they are issued in these words, "soldiers' memorial building" and to be sold by said trustees for not less than their par value, and the proceeds of the sale of said bonds shall be paid into the township treasury and to the township treasurer, to be paid out as hereinafter provided. Said bonds shall be signed by said township trustees and attested by the township clerk of said township. Said township clerk shall keep a record thereof, and the interest and principal shall be payable at the office of the township treasurer of said township, and for the redemption of said bonds, said trustees shall levy a tax each and every year for twenty years or so long as shall be necessary to pay the principal and interest of said bonds commencing with the year 1891 on all the taxable property of said township, including the said city of Newark, not exceeding one mill each year; and for all services done or to be performed under this act, neither the trustees of said township, nor the township clerk, nor the auditor of the county, nor the treasurer of the county, shall receive or be entitled to any compensation whatever either by way of fees or otherwise.

SECTION 2. The court of common pleas of Licking county, Ohio, shall, if said vote for taxation is carried, appoint seven persons, residents of said Newark township, trustees of said soldiers' memorial building, one of whom shall be appointed for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, one for the term of six years, one for the term of seven years, and each and every year thereafter the said court shall appoint a successor to the trustee whose term of office then expires and the court shall fill all vacancies occuring by the death, resignation or otherwise for the unexpired term or terms, and said court shall have at all times the power to remove any or all of said trustees before the expiration of their respective term or terms, and it shall be the duty of said trustees on the 1st day of April each year or at any other time when required by said court, to file with the clerk of said court, a full and complete report of all their doings since the last report and of all moneys received and disbursed by said trustees.

SECTION 3. On the appointment of said trustees by said court, and on the second Monday in January each and every year thereafter, said trustees shall elect one of their number president thereof, one of their number secretary thereof, and one of their number treasurer thereof, who shall each serve as such officer until their successors are elected and qualified and said treasurer shall give bond to the state of Ohio for the use of said Newark township, to the approval of said trustees and in such sum as said trustees shall determine, conditioned for the faithful accounting and payment of all moneys and property, which may come into his hands; and said trustees must order all moneys raised by said taxation paid out by said township treasurer, who is hereby required to pay the same upon the warrant of said trustees signed by said president and secretary of said trustees, to the treasurer of said trustees; said trustees are hereby empowered to select and purchase a site for said memorial building, taking the title thereof to themselves, and their successors in office forever; and are fully empowered to construct and have constructed thereon such a building as they shall approve, in perpetual memory of the men of Newark city and Licking county, who served their country in any war waged therefor and all the property held by said trustees, shall be free from taxation by

the state, county or municipality and said trustees shall have full control of said building so erected and all property in their name, with full power to rent or lease the same or any part thereof, for a period not to exceed three years, and to sue for and collect said rent, and to bring and maintain any other suit or action which may be necessary or proper to carry out the objects of said trust.

SECTION 4. Said building shall contain an assembly room for the use free from rent of all ex-soldier or sailor organizations, subject to such regulations as said trustees shall prescribe. It shall also contain a memorial room or rooms for the preservation of flags, documents, records and relics of the several wars. Said trustees are hereby authorized and empowered to take and receive donations, legacies or devises in land or money or other property for the general purpose of aiding the objects and purposes of said memorial building and the endowment thereof, but they are not to receive any compensation for their services.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
325L

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[House Bill No. 1698.]

AN ACT

To authorize the village council of the incorporated village of Put-in-Bay, Ottawa county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Put-in-Bay, Ottawa county, Ohio, be and are hereby authorized to transfer the following amounts to the town hall fund, viz: From the general corporation fund $700.00; from the fire engine fund $40.56; from the marshal and police fund $400.00; from the bridge and embankment fund $34.94; from the prison fund $80.58.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
326L

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[House Bill No. 1699.]

AN ACT

To authorize and empower the council of the village of Rockford, Mercer county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Rockford, Mercer county, be, and is hereby

authorized and empowered to transfer the amount of two hundred ($200.00) dollars from the police fund of said village to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
327L

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[House Bill No. 1700.]

AN ACT

To amend section one of an act entitled "An act authorizing the county commissioners of Athens county to construct free turnpikes," passed May 1, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Sec. 1. That the county commissioners of Athens county are hereby authorized, when in their judgment the public interest demands it, to cause to be constructed free turnpike roads on or near any state or county road in said county of such width as in their judgment seems best; and in the construction of such roads, said commissioners shall proceed in accordance with the provisions of sections 4770, 4772, and 4773, of the Revised Statutes; provided, that not more than ten thousand dollars of the public money shall be expended for any such purposes in any one year. And before ordering any such road, said commissioners shall require a donation of not less than 30 per centum of the estimated cost thereof to aid in the construction of such road from the township in which said road is proposed to be constructed or from private subscription or other source. The commissioners may issue bonds for the construction of such roads bearing not more than 6 per centum interest per annum, payable at such times as said commissioners may see fit to stipulate therein, which bonds shall not be sold for less than their par value; and said commissioners may levy a tax on all taxable property in said county, not more than one mill on a dollar annually, for the purpose of paying for the construction of such roads or for paying for said bonds that may be issued; and the trustees of any township in which said road is proposed to be constructed and desiring to aid such construction may agree with the commissioners to pay 30 per centum of the estimated cost of said construction of such road and such agreement shall be binding on such township, and said trustees may issue bonds for the proportionate expense of such township for the construction of such road, said bonds bearing not more than 6 per centum interest per annum and payable at such times as the said trustees may see fit to stipulate therein, which bonds shall not be sold for less than their par value; and said township trustees may levy a tax, in addition to that otherwise authorized by law, on all taxable property in said township, but not more than one mill on the dollar annually, for the purpose of paying its proportionate expense of the construction of such road or for the paying the said bonds that may be issued.

SECTION 2. The act passed April 26, 1890, entitled "An act to amend section one of an act entitled 'an act authorizing the county commissioners of Athens county to construct free turnpikes,' passed May 1, 1885," is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
328L

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[House Bill No. 1702.]

AN ACT

To authorize the trustees of Lykens township, Crawford county, Ohio, to levy a tax in addition to that now authorized by law for the purpose of paying an existing debt of four hundred and fifty dollars, which was created in building or purchasing a hall for township purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Lykens township, Crawford county, Ohio, be and are hereby authorized to levy a tax in addition to that now authorized by law, sufficient to pay an existing debt of four hundred and fifty dollars, which was created in building or purchasing a hall for township purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
329L

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[House Bill No. 1703.]

AN ACT

To provide for supplying a deficiency in the county fund of Hancock county, Ohio.

WHEREAS, By reason of the extra expenses incurred in making the decennial appraisement of the real estate in Hancock county, Ohio, in the year 1890, and a further addition thereto incident to the lengthened terms of the court of common pleas and circuit courts for the disposal of the unfinished old business and the large number of new civil and criminal cases in said courts and other expenses made necessary by reason of a large increase of population and the improvement of the public property in said county there are not county funds sufficient to pay said expenses and there is a deficiency therein for that purpose of about fifteen thousand dollars, which the commissioners of said county ask may be provided for by an additional levy of taxes over and above that now allowed by law, to the amount of one mill on all the real and personal taxable property in said county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hancock county in said state, be and they are hereby authorized in the year 1891, to levy a tax on all the taxable property of said county to an amount not exceeding one mill on the dollar of the valuation thereof in addition to the amount now authorized to be levied for general county purposes, the same to be entered upon the grand duplicate of said county, and collected in the same manner as the other taxes in said county are collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
330L

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[House Bill No. 1706.]

AN ACT

To authorize the council of New London, Huron county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of New London, Huron county, be and it is hereby authorized to transfer permanently, the sum of one hundred and ninety-three dollars and ninety-five cents, from the cemetery fund to the lamp fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
331L

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[House Bill No. 1707.]

AN ACT

To authorize the council of the incorporated village of Leesburg, Carroll county, Ohio, to transfer certain funds, and to repeal an act entitled an act to authorize the council of the incorporated village of Leesville, Carroll county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Leesburg, Carroll county, Ohio, be and they are hereby authorized to transfer permanently five hundred dollars ($500) from the corporation fund of said incorporated village to the special school district fund of said village.

SECTION 2. That an act entitled an act to authorize the council of the incorporated village of Leesville, Carroll county, Ohio, to transfer certain funds, passed March 27th, 1891, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
382L

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[House Bill No. 1768.]

AN ACT

To authorize the trustees of Adams township, Defiance county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Adams township, Defiance county, be authorized to transfer three hundred ($300) dollars from the bridge to the road fund of said township.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 9, 1891.
383L

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[House Bill No. 1671.]

AN ACT

Authorizing the county commissioners of Erie county, Ohio, to levy a tax for the improvement of abandoned plank-roads.

WHEREAS, On the 5th day of October, A. D. 1885, the probate court of Erie county, Ohio, by the proper proceedings had therein declared abandoned and vacated as a toll road, that portion of the Crawford, Seneca and Erie plank-road company's road extending from a point, commencing on the southerly corporate line of the city of Sandusky, to a point ten and one-half miles south; and

WHEREAS, Said abandoned road has by reason of the large amount of travel thereon, become almost impassable, and out of repair; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Erie county, Ohio, be and they are hereby authorized and empowered to levy a tax on all the taxable property of Erie county, not to exceed $\frac{3}{10}$ of one mill on the dollar in any one year, for the purpose of stoning, macadamizing and improving said abandoned plank-road, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SECTION 2. That the money so realized from such levy, shall be set aside as a separate fund and designated "plank-road improvement fund."

SECTION 3. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
334L

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[House Bill No. 1684.]

AN ACT

To authorize the council of the village of Elyria, in Lorain county, to transfer funds

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Elyria, in Lorain county, be and it is hereby authorized to transfer the sum of three hundred dollars from the general fund to the town hall fund in the treasury of said village.

SECTION 2. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
335L

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[House Bill No. 1685.]

AN ACT

To authorize the county commissioners of Perry county, Ohio, to buy a certain turnpike therein described, and maintain the same as a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Perry county be and they are hereby authorized to purchase, at not to exceed three hundred dollars per mile, the value to be fixed by appraisers in accordance with the provisions of section 3499, so much of the Zanesville and Maysville turnpike road, as is situated, lying and being in Perry county, Ohio, leading from the county line between Fairfield and Perry counties, to the Muskingum county line, being a distance of about fifteen miles.

SECTION 2. Said county commissioners are hereby authorized to issue bonds for the purchase of said road, said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall be issued and sold according to law.

SECTION 3. For the purpose of paying said bonds, said commissioners are hereby authorized to levy a tax, not to exceed one-half of one mill on the dollar annually, in addition to all other taxes allowed by law, on all the taxable property in said county of Perry.

SECTION 4. And if said turnpike road shall be so purchased, the board of county commissioners of said county shall thereafter keep the same in a good state of repair as a free turnpike.

SECTION 5. This act to be in force on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
236L

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[House Bill No. 1686.]

AN ACT

To authorize the commissioners of Pike county to build a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county hereby are authorized, when in their judgment the best interests of the public require, and the resident landowners along the route of road hereinafter designated shall have secured to the county the right of way, and all the earth, gravel and stone necessary to the construction of said road without cost or expense to the county, to construct said road as follows to-wit: Beginning at a point near the toll-gate on the Waverly and Sunfish turnpike road west of Idaho; thence in a north-westerly direction with the county road known as the Morgan's Fork road as nearly as practicable to the village of Morgantown.

SECTION 2. Said road shall not be more than sixty nor less than forty feet in width and shall be turnpiked with earth at least twenty feet in width, so as to drain freely to the sides, and raised with stone or gravel, or both, not less than twelve nor more than sixteen feet in width, and not less than twelve inches nor more than sixteen inches in depth, in such a manner as to secure an even and durable road, and the grade of ascent or descent shall in no case be greater than five degrees; and said road shall be provided with all necessary side-drains, water-ways, culverts and bridges.

SECTION 3. That for the purpose of building said road and to obtain the money therefor, the commissioners shall have the right, when they have determined to build said road to issue the bonds of said county not to exceed eighteen hundred dollars for such [each] mile determined by them to be built, and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such dates and times as the commissioners may deem best, to bear interest at a rate not greater than six per cent. payable semi-annually, and which bonds shall be sold according to law.

SECTION 4. That to pay said bonds and the interest thereon as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one-fourth mill on the dollar annually of the taxable property of said county.

SECTION 5. That in performing the duties required of the county commissioners under this act, all duties not herein expressly set forth

shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 6. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
337L

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[House Bill No. 1688.]

AN ACT

To authorize the council of the incorporated village of Kent, Portage county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Kent, Portage county, Ohio, be and the same is hereby authorized and empowered to transfer a sum not to exceed twelve hundred (1,200) dollars, from the police fund to the street fund, and also a sum not to exceed eight hundred (800) dollars from the general fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
338L

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[House Bill No. 1690.]

AN ACT

To authorize the council of the village of Ohio City, in Van Wert county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Ohio City, in Van Wert county, Ohio, be and is hereby authorized to transfer the sum of four hundred dollars ($400) from the general fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
339L

[House Bill No. 1716.]

AN ACT

**To amend an act entitled "An act to detach certain lands lying and being within the corporate limits of the city of Lancaster, in Lancaster township, Fairfield county, Ohio," passed March 24th, 1891.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the act entitled "An act to detach certain lands lying and being within the corporate limits of the city of Lancaster, in Lancaster township, Fairfield county, Ohio," passed March 24th, 1891, be so amended as to read as follows:

SECTION 2. That the south-east quarter of section two, township fourteen and range nineteen, and the east half of section eleven, township fourteen, range nineteen, and the south-west quarter of section twelve, township and range aforesaid; and also a tract of about sixty-four acres immediately adjoining the last aforesaid quarter-section and bounded as follows: Commencing at the center of section twelve in Hocking township, thence east along the Zane section line, 19.16 chains; thence south 17.76 chains; thence south 87° 30′ east, 4.20 chains; thence south 43° west, 13.68 chains; thence south 7.63 chains; thence west along the south line of section twelve 14.43 chains; to the south-east corner of the quarter-section aforesaid; all in said Fairfield county, Ohio, be and the same are hereby detached from the city and township of Lancaster and attached to the township of Hocking in said county to which said lands originally belonged, and made a part thereof. And that the south-east quarter of section thirty-one, township fifteen and range eighteen, in Fairfield county, Ohio, be and the same is hereby detached from the township and city of Lancaster, and attached to the township of Pleasant in said county of Fairfield (to which the same formally [formerly] belonged) and be made a part of said Pleasant township.

SECTION 3. That said section two of said act of March 24th, 1891, entitled "An act to detach certain lands lying and being within the corporate limits of Lancaster, in Lancaster township, Fairfield county, Ohio," be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 10, 1891.
340L

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[House Bill No. 869.]

AN ACT

**To authorize the commissioners of Hamilton county to extend Gilbert avenue, in the city of Cincinnati, from its present terminus at Court street to Broadway, and to provide a fund therefor.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, may on request of the board of administration or board of city affairs of the city of Cincinnati, acquire by

purchase or condemnation, the land necessary to extend Gilbert avenue, in the city of Cincinnati, from its present terminus at Court street, southwestwardly on such line and grade as shall be located and established by said board of administration to a point at or near the junction of Cleveland street, Eighth street and Eggleston avenue, and from thence westwardly along the present south side of Eighth street to Broadway in said city, including the land and easements necessary for lateral support. Such extension of said Gilbert avenue, exclusive of all lands or easements necessary for lateral support, shall be not more than 80 feet in width, from the present terminus of said Gilbert avenue at Court street, to said point at or near the junction of said Cleveland street, Eighth street and Eggleston avenue, and not more than eighty feet in width nor less than fifty feet in width from said point at or near the junction of said Cleveland street, Eighth street and Eggleston avenue westwardly to said Broadway. Said board of administration or board of city affairs may include the present width of the sidewalk along the present south side of Eighth street, from Eggleston avenue to Broadway, in said improvement. If the land necessary for such extension, together with the land and easements necessary for lateral support, be acquired by purchase or any part thereof be so acquired, the same shall be at a price not to exceed a price to be fixed by the board of administration or board of city affairs of said city. And as to the land required for such extension, and the land and easements necessary for lateral support not acquired by purchase as aforesaid, said commissioners shall appropriate the same, and for such purpose they shall cause an accurate survey and description of the parcels of land and easements needed for such purpose, to be made and shall file the same with the probate judge of the county, and thereupon the same proceedings shall be had which are provided for the appropriation of private property by municipal corporations.

SECTION 2. To provide means to pay for such extension of said Gilbert avenue and for the construction thereof, as hereinafter provided, said board of county commissioners shall, upon the request of said board of administration or board of city affairs of said city, certified by the chairman and clerk of said board of administration or board of city affairs from time to time, and as often as said board of administration or board of city affairs think necessary, borrow and pay into the county treasury such sums of money as may be stated in said requests not exceeding in the aggregate the sum of five hundred thousand dollars ($500,000), at a rate of interest not exceeding four per cent. To secure the payment of the principal and interest thereof, the commissioners of said county shall issue bonds of said county in the mode and manner prescribed by sections eight hundred and seventy-one and eight hundred and seventy-two of the Revised Statutes of Ohio, and the act passed March 22, 1883, entitled "An act for the sale of public bonds" (80 O. L. 68); provided, however, that said bonds shall be issued with coupons or registered due in fifty years, but redeemable at any time after twenty years from date. The money realized from the sale of said bonds shall be placed to the credit of a fund to be known as the Gilbert avenue viaduct fund.

SECTION 3. The commissioners of said county shall annually, at their June session, in addition to all other taxes authorized by law, levy such amount of taxes as will pay the interest on such indebtedness, and create a sinking fund necessary to redeem the same at maturity. And if the commissioners refuse or neglect to levy such taxes regularly, as herein provided, the county auditor shall levy such taxes upon the taxable

property of the county and place the same upon the tax list, and all the taxes levied and assessed under the provisions of this act shall be applied to the specific object for which they are levied, and no other.

SECTION 4. The money realized from the sale of said bonds, excepting so much as may be required to acquire the land and easements necessary for such extension of said avenue, shall be expended exclusively by and under the direction of the board of administration or board of city affairs of said city of Cincinnati in the construction of said avenue by viaduct, bridge or fill, or in any two or more of said modes, and upon such plans as may be determined by the board of administration or board of city affairs of said city. Said improvement shall not obstruct said Eggleston avenue, but shall pass over the same so as to leave a space of not less than nineteen feet in the clear above the present grade of said avenue.

SECTION 5. Disbursements for said improvement shall be upon orders signed by the chairman and clerk of the board of administration or board of city affairs of said city, when drawn pursuant to a resolution passed at any regular meeting of such board on which orders the county auditor of said county shall issue his warrants to the treasurer of said county, to be paid out of the fund above provided from the sale of said bonds. If, on the completion of said improvement, an unexpended balance of said fund shall remain in the county treasury, such balance shall be immediately placed and kept to the credit of the sinking fund provided by this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 15, 1891.
341L

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[Senate Bill No. 475.]

AN ACT

To authorize the board of education of the village school district of White House, Lucas county, Ohio, to levy an additional tax to carry on the schools therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of the village of White House, Lucas county, Ohio, be and are hereby authorized to levy a tax for the years 1891, 1892, 1893 and 1894, on all the taxable property within said school district not exceeding three (3) mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
342L

[Senate Bill No. 645.]

AN ACT

**To authorize the council of the incorporated village of Mineral City, Tuscarawas county, Ohio, to issue bonds for the purpose of aiding the erection and maintenance of manufacturing industries.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Mineral City, Tuscarawas county, Ohio, be and the same is hereby authorized to issue bonds of the said village in the sum not exceeding ten thousand dollars, bearing interest at a rate not exceeding six per cent. per annum from date of issue, payable annually, for the purpose of aiding in the erection and maintenance of manufacturing industries in [in] said village.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof. Said bonds shall be issued in such amounts respectively, as will, in the judgment of the council of said village, best subserve the sale thereof, and at such times and in such sums as may be deemed necessary to the progress of the work. Said bonds shall be sold at not less than par value, and the principal shall be payable at such times as the council of the village may determine by ordinance, within a period not exceeding twenty-five years.

SECTION 3. The council of said village is hereby authorized, to levy a sufficient tax to meet any indebtedness incurred under this act.

SECTION 4. Before said bonds shall be issued, the question of issuing the same shall be submitted to the qualified voters of said village at a special election to be called by the council, and the clerk thereof shall give at least five days' notice of such special election by due publication of the same in some newspaper of general circulation in said village. If two-thirds or more of the votes cast at said special election are in favor of said issue, then it shall be lawful to make the same. The tickets for said election shall have written or printed thereon, if the issuing of said bonds is favored the words, "For the bonds—Yes;" if opposed, "For the bonds —No."

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
343L

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[Senate Bill No. 656.]

AN ACT

**To require a certain private road in Salt Creek township, Hocking county, Ohio, to be worked as a public road.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a certain private road known as the Buffalo road, situate in Salt Creek township, Hocking county, Ohio, starting from a point in the state road

leading from Adelphi to Athens, about one mile south-east of Adelphi, near where said state road crosses Salt Creek and from that point leading in a direction east of south to a point in the line of Samuel Haninger's farm near his gate, said line being the line between sections 17 and 18 of said township, shall be considered a public highway for the purposes of road work, and the road supervisors through whose districts said road runs shall cause labor to be performed thereon as on other roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
344L

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[Senate Bill No. 658.]

AN ACT

To authorize the trustees of Anderson township, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Anderson township, Hamilton county, Ohio, be and are hereby authorized to transfer the sum of five hundred ($500.00) dollars from the bridge and fill fund to the road fund; also, the sum of three hundred and fifty ($350.00) dollars from the material fund to the road fund; also, two hundred and thirty-five ($235.00) dollars from the poor fund to the road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
345L

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[House Bill No. 936.]

AN ACT

Consolidating sub-school district number nine with sub-school district number eight in Marion township, Franklin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub-school district number nine in Marion township, Franklin county, Ohio, be and the same is hereby added to and consolidated with sub-school district number eight of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
346L

[House Bill No. 1304.]

AN ACT

To provide for the improvement of certain roads in Miami township, Hamilton county, and to pay for the same out of any unexpended balance in the special road fund created by act of May 4th, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county are hereby authorized:

1st. To expend not less than one thousand dollars in repairing, improving, grading and macadamizing the Mt. Nebo road commencing at the corporation line of Cleves, and running westwardly to the schoolhouse road beyond Dowling's.

2nd. To expend not less than one thousand dollars in repairing, improving, grading and macadamizing McIntyre avenue from its intersection with Mt. Nebo road to its intersection with the Miami River road at Harrell's.

SECTION 2. That the expense of said improvement shall be paid out of any unexpended balance of the special road fund created by the act entitled "An act to provide for the transfer and expenditure of certain balances therein named," passed May 4th, 1885, as amended May 11th, 1886.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
347L

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[House Bill No. 1645.]

AN ACT

To authorize the trustees of McKean township, in the county of Licking, to levy a tax for the improvement and repair of the roads therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of McKean township, in the county of Licking, be and they are hereby authorized to levy a tax on all the taxable property of said township, in addition to the amount now authorized by law, not exceeding four (4) mills additional in any one year for a period not exceeding five years from the passage of this act, for the payment of the expenses of the improvement and repair of the roads in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
348L

[House Bill No. 1647.]

AN ACT

To authorize the council of the incorporated village of Ft. Jennings, Putnam county Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Ft. Jennings, Putnam county, Ohio, be and are hereby authorized to transfer six hundred dollars from the police fund to the street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 17, 1891.
349L

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[House Bill No. 1705.]

AN ACT

Supplemental to an act passed March 25, 1890, entitled "An act to create a special road district of Pultney township, Belmont county, Ohio, and authorize the commissioners of said county to locate, grade and improve certain roads and provide for the payment thereof by a special tax."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be and the same is hereby enacted as additional and supplementary to the act of March 25th, 1890 (O. L., vol. 87, p. 477):

Sec. 1. In all cases when parties are dissatisfied with the allowance made by the viewers as compensation or damages an appeal may be had to the probate court as provided in cases arising under chapter eight of title seven Revised Statutes, and such appeal may be taken at any time before the final completion of said improvement, provided, that in all cases of appeal the commissioners of said county shall be made party defendant, and shall appear and defend in all such appeals for and on behalf of said road district and in all cases of appeal arising under this act, like proceedings shall be had in the probate court as in cases arising under said chapter 8, title 7. And in all cases when transcripts have been filed in the probate court heretofore, the court shall docket such cases, making the commissioners party defendant as above provided, and such cases shall proceed in like manner as upon transcripts hereafter filed. And the provisions of this act shall also apply to litigation now pending under the said act passed March 25, 1890, to which this act is additional and supplementary.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 16, 1891.
350L

[House Bill No. 1673.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for improving the Kugler Mill road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, be, and they are hereby authorized to assess and collect upon the general levy of all the taxable property of said county, a tax of one-sixteenth of one mill on each dollar valuation thereof, one-half of which shall be assessed and collected on the tax duplicate of 1891, and the remainder on the tax duplicate of 1892, for the purpose of improving the Kugler Mill road in sections 19 and 25 of Symmes township; beginning at Camp Dennison, and extending south to the Kugler road, and then westwardly to its intersection with the Carmergo pike at Allandale.

SECTION 2. That the said road shall be graded and shall be macadamized with broken limestone to the full width of 16 feet and ten inches deep, and covered with clean gravel to the full width of 16 feet and five inches deep.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
351L

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[House Bill No. 1457.]

AN ACT

To create a special school district in Washington township, Brown county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory bounded and described as follows, to-wit: Situate in Washington township, Brown county, Ohio; beginning at a point where the Sardinia and Arnheim road, and the road leading from the Sardinia and Winchester road, and passing the residences of Thomas Kennedy and Rainey Lauderback meet; thence northwardly along said road, passing the residences of Rainey Lauderback and Thomas Kennedy, and near the residence of Conrad Schubert to the Sardinia and Winchester road; thence due north to the dividing line between Highland and Brown counties; thence west on said county line two miles; thence due south to a point due west of the place of beginning; thence due east to the place of beginning, to be known as the Sardinia special school district, shall and the same is hereby created and declared to constitute a special school district. Provided that the school-house and grounds in what is known as Oak Leaf joint sub-district shall not be included in the special school district hereby established.

SECTION 2. *Be it further enacted by the General Assembly*, That $700 heretofore appropriated for building purposes, by the board of education of Washington township, Brown county, Ohio, by a resolution of said board adopted on the 19th day of June A. D. 1890 to sub-school district number three (3) in said township, and which said sum of $700 was erroneously certified by the clerk of said board of education to the auditor of said county as tuition fund, be, and the same is hereby transferred to the said Sardinia special school district, for school-house building purposes, and that the clerk of the board of education of said Washington township, be, and is hereby required on demand to issue his order upon the treasurer of said school board of said Washington township, in favor of the treasurer of said Sardinia special school district, for said sum of $700, and it shall be the duty of the said treasurer of the school board of Washington township, to pay over to the treasurer of said Sardinia special school district the said sum of $700 on the presentation of said order.

SECTION 3. On the second Monday of May following the passage of this act, the electors of said special district, shall meet and elect a board of education consisting of six members, two to serve until the third Monday in April, 1892, and two to serve until the third Monday in April, 1893, and two to serve until the third Monday in April, 1894, and until the election and qualification of their successors; and on the second Monday of April of each year following the first election of the board of education, there shall be elected two members of said board of education, to serve for three years and until their successors are elected and qualified.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
352L

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[House Bill No. 1471.]

AN ACT

To authorize the commissioners of Hamilton county to widen and improve the Madisonville pike in the city of Cincinnati, from Woodburn avenue eastwardly to the corporation line.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county shall, and they are hereby authorized to levy on all the taxable property in said county in addition to the taxes now by law authorized to be levied thereon, a tax of two-tenths of a mill on the dollar valuation on the grand duplicate of all taxable property in said county for the year 1891, and to certify the same to the auditor of said county; said tax to be applied in the manner hereinafter provided to widening the Madisonville pike, also known as Madisonville avenue in the city of Cincinnati, from Woodburn avenue eastwardly to the corporation line, to the width of eighty (80) feet, and in improving the same to such width by grading, resetting curbs, macadamizing the roadway, etc.

SECTION 2. That the commissioners of said county of Hamilton, on request of the board of public improvements of the city of Cincinnati, or of any board which by law may succeed to said board, acquire by purchase or condemnation the lands and easements necessary to widen said Madisonville pike from its junction with Woodburn avenue eastwardly to the corporation line, to the width of eighty (80) feet, on such lines and according to such plans as shall be located and established by said board of public improvements, or its successors, as aforesaid. Provided, that said board of public improvements, or its successors, as aforesaid, shall not make such request for the widening of said Madisonville pike, as aforesaid, until two-thirds of the lands and easements necessary to be acquired, as above provided for such widening, shall have been dedicated by the owners thereof, without any cost or expense to the city or county whatsoever, and such dedication has been certified by said board of public improvements, or its successors, as aforesaid, to the commissioners of said county; and, provided further, that said board of public improvements, or its successors, as aforesaid, shall not make such request until there has also been donated and paid to said board of public improvements, or its successors, as aforesaid, a sum not less than twenty thousand dollars ($20,000), in cash, to be applied to widening and improving said Madisonville pike, as aforesaid, which moneys, when donated, shall be deposited with the county treasurer to the credit of the Madisonville pike improvement fund hereinafter provided.

SECTION 3. The money arising from said tax, together with the moneys donated, as aforesaid, excepting so much as may be required to acquire the lands and easements necessary for such widening of said Madisonville pike, shall be expended exclusively by and under the direction of the board of public improvements of said city of Cincinnati, or its successors, as aforesaid, in the improvement of said Madisonville pike, between the points aforesaid, by grading, setting curbs, macadamizing the roadway, and doing any and all other things necessary to complete said improvement, and in making such improvement the roadway shall not be less than sixty (60) feet in width.

SECTION 4. In anticipation of the collection of the tax authorized by this act to be levied, the commissioners of said county shall borrow and pay into the county treasury a sum not to exceed forty thousand dollars ($40,000.00), for a term not exceeding one year, and at a rate of interest not to exceed five per cent. and issue bonds of the county therefor to secure the payment of the principal and interest of the sum so borrowed, which bonds shall be issued in the mode and manner prescribed by sections 871 and 872 of the Revised Statutes of Ohio, and the act passed March 22, 1883, entitled "An act for the sale of public bonds" (80 O. L., 68). The money realized from the sale of said bonds, together with the moneys donated as aforesaid, and all moneys realized from the tax authorized by this act to be levied shall be placed to the credit of a fund known as the "Madisonville pike improvement fund," and the bonds herein authorized to be issued in anticipation of the tax aforesaid, together with the interest thereon, shall be paid from said Madisonville pike improvement fund. All disbursements for said improvement, excepting so much as may be required to acquire the lands and easements necessary for such widening of said pike shall be upon orders signed by the chairman and clerk of the board of public improvements of said city, or its successors, aforesaid, on which orders the county auditor of said county shall issue his warrants to the treasurer of said county, to be paid from said Madi-

sonville pike improvement fund. And any and all disbursements required to pay for lands and easements acquired by the commissioners of said county, and for the bonds and interest, as aforesaid, under this act, shall be paid from said Madisonville pike improvement fund on the order of the commissioners of said county, and on the warrant of the county auditor.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
353L

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[House Bill No. 1598.]

AN ACT

To authorize the commissioners of Mahoning county to repair, extend, reconstruct and rebuild one or more bridges across the Mahoning river, in the city of Youngstown, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Mahoning county, be and they are hereby authorized and empowered to repair, extend, reconstruct and rebuild one or more bridges across the Mahoning river in the city of Youngstown in said county, and to proceed and construct the necessary approaches thereto; and for the purpose aforesaid said commissioners are hereby authorized and empowered to issue the bonds of said county, in the gross sum of not to exceed sixty thousand dollars ($60,000.00) in sums of not less than five hundred nor more than one thousand dollars each and payable at such time or times as they may determine, not exceeding seven years from the date of their issue, and to negotiate and sell the same; but the interest on said bonds shall not exceed five (5) per cent. per annum, nor shall the same be sold for less than their par value.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
354L

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[House Bill No. 1599.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for the grading, macadamizing and improving to a width of forty feet the county road known on the county plats as the Mill road or Church street, in Anderson and Columbia townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, be and they hereby are authorized

to assess and collect upon the general levy of the taxable property of said county, a tax of one twenty-fifth of one mill on the dollar, one-half of which shall be assessed and collected upon the tax duplicate of 1891, and the remainder on the tax duplicate of 1892, to be applied under the direction of said commissioners to the grading, macadamizing, and improving of the county road in Anderson and Columbia townships, known on the county plat as the Mill road or Church street; which said road commences at the Batavia turnpike in Newtown, Anderson township, running thence in a north-easterly direction to Wooster turnpike, in Columbia township; provided, that the amount thus to be expended shall not exceed the sum of ten thousand dollars ($10,000).

SECTION 2. That said bonds shall be signed by the county commissioners and countersigned by the auditor of Hamilton county, who shall keep a record of all bonds issued under and by virtue of this act; to whom issued and made payable, and when redeemable.

SECTION 3. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
355L

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[House Bill No. 1715.]

AN ACT

To authorize the board of education of the special school district of Shawnee, Perry county, Ohio, to levy an additional tax to carry on schools therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of the village of Shawnee, Perry county, Ohio, be and are hereby authorized to levy a tax on all the taxable property within said district, not to exceed four mills on the dollar, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said district.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
356L

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[House Bill No. 1729.]

AN ACT

To authorize the trustees of Liberty township, Van Wert county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Liberty township, Van Wert county, Ohio, are hereby

authorized to transfer eight hundred dollars ($800) from the bridge fund to the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
857L

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[House Bill No. 1732.]

AN ACT

To amend section 1 of an act passed March 27th, 1891, entitled "An act to divide Middleton township, Columbiana county, Ohio, into two election precincts."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled an act to divide Middleton township, Columbiana county, Ohio, into two election precincts, passed March 27th, 1891, be amended so as to read as follows:

Sec. 1. That the township of Middleton, in the county of Columbiana, state of Ohio, be and the same is hereby divided into three election precincts for all the purposes authorized by law as follows: That sections 1, 2, 8, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 35, and 36, shall constitute and be known as the east precinct of said township, with voting place at Negley. That sections 4, 5, 6, 7, 8, 9, 16, 17 and 18, shall constitute and be known as the west precinct of said township, with voting place at Rogers. That sections 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 and 34, shall constitute and be known as the south precinct of said township, with voting place at Clarkson.

SECTION 2. Section one of the above recited act is hereby repealed, and this act shall take effect and be in force, from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
858L

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[House Bill No. 1734.]

AN ACT

To authorize the commissioners of Brown county to construct a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, be and they hereby are authorized and empowered to construct a free turnpike in said county. Beginning at Main street in the village of Georgetown, near the residence of A. Arn, thence east with Ohio street to the old road leading from Georgetown to Russellville; thence with said road to the lands of James M. Devore and thence over and across the lands of said Devore and others, by the most practicable route to a point in the Ripley and Arnheim free turnpike road, at or near the iron bridge near the residence of J. C. Brown.

SECTION 2. Upon the petition of not less than ten freeholders, and upon their giving bond, with sufficient surety to the acceptance of the auditor that they will pay all costs and expenses made necessary by reason of the provisions of this section if said road shall not finally be constructed, said commissioners shall appoint three good and judicious freeholders of said county who, being duly sworn to faithfully perform the duties herein prescribed, shall together with the county surveyor, proceed to locate, lay out and establish said road, and make and return to said commissioners an accurate map and profile of said road as established by them, and they shall also fix and determine the boundary of all land and lots included within one mile of each side and the ends of said road as located and established by them, a true and accurate map and description of which they shall likewise return to said commissioners.

SECTION 3. Upon the petition of a majority of all tax-payers within the boundaries of said road fixed and determined as provided by the preceding section, and upon said petitioners furnishing the right of way for said road or giving bond for the use of said county with sufficient surety to the acceptance of the auditor, conditioned that they will pay all compensation, damages and expenses incurred by said county in appropriating any lands necessary for said roadway, which can not be obtained amicably, and shall save said county from any cost or expenses on account of the right of way of said road. Said commissioners shall proceed to construct said turnpike in manner as provided by section 4759 of Revised Statutes of Ohio.

SECTION 4. After the cost of said improvement is ascertained said commissioners shall levy a tax on all the taxable property within the boundaries of said road fixed, determined, and established as herein provided, sufficient to pay twenty per centum thereof; and shall levy a tax on all the taxable property of said county sufficient to pay the remaining eighty per centum thereof. And the territory included within the boundaries of said road as defined herein, is hereby created a special tax district for the purposes of taxation as herein provided.

SECTION 5. Said commissioners may in anticipation of the collection of said taxes, issue the bonds of said county, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, which bonds shall not be sold at less than their par value, and the time of payment shall not extend beyond five years.

SECTION 6. The duties of the commissioners, auditor, treasurer and surveyor, in connection with said road, shall be the same as are required by the provision of chapter 6, title VII of the Revised Statutes of Ohio, and all other laws of said state not in conflict with this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
359L

[House Bill No. 1735.]

AN ACT

To annex certain territory to the Deavertown, Morgan county, Ohio, independent school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be annexed and attached to the independent school district of Deavertown, Morgan county, Ohio, so much of the south-east and south-west quarter of section one (1) and of the north-west quarter of section twelve (12) all in township thirteen (13) of range fourteen (14) in sub-school district number two (2) of Bearfield township, Perry county, Ohio, as is owned by and now taxed in the names of Joseph Shoemaker and Clara Shoemaker, and containing in all one hundred and seventy-one and one half (171½) acres more or less.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
360L

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[House Bill No. 1739.]

AN ACT

To authorize the board of education of Myers special district number three of Delhi township, Hamilton county, Ohio, to borrow money and issue bonds therefor to pay the expense of building a public school building for said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Myers special district number three of Delhi township, Hamilton county, Ohio, be and it is hereby authorized to borrow any sum of money not exceeding two thousand dollars, for the purpose of building a public school building in said school district.

SECTION 2. That for the purpose aforesaid the said board of education is hereby authorized to issue bonds not exceeding two thousand dollars in amount, bearing interest from date of issue, at not exceeding six per cent. per annum, interest payable semi-annually and payable at such time or times and place, not exceeding ten years from the date thereof, as such board may determine, said bonds to be signed by the president and attested by the secretary of said board, and not to be sold for less than their par value, at public or private sale, as said board may determine, and said board may, at their discretion have coupons attached to said bonds.

SECTION 3. Said board shall, annually, after the issue of said bonds cause to be assessed, and the auditor of said county shall place on the duplicate of said county, on the taxable property of said school district, the taxes necessary to pay the interest on said bonds semi-annually, and the principal thereof as the same shall become due, in addition to the taxes now allowed by law in said school district, which tax shall be collected by the treasurer of said county, in the same manner as other taxes levied by said board of education.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
361L

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[House Bill No. 1741.]

AN ACT

For the relief of W. C. Scott, late treasurer of Carroll county, Ohio; and for the repeal of an act entitled "An act for the relief of W. C. Scott, late treasurer of Carroll county, Ohio," passed March 25th, 1891.

WHEREAS, On or about the 11th day of February, A. D. 1883, the treasurer's office in said county was robbed of a large amount of the funds deposited therein; and,

WHEREAS, W. C. Scott, the then treasurer of said county, made good the shortage of the funds so stolen and not recovered, to the amount of one thousand three hundred and seventy-eight dollars ($1,378), and also expended of his own means in attempts to apprehend and convict the party or parties guilty of said robbery, the sum of six hundred dollars ($600); therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Carroll county [illegible] and they are hereby authorized to refund to said W. C. Scott, or his legal representatives, the sum of one thousand nine hundred and seventy-eight dollars ($1,978).

SECTION 2. That for the purpose aforesaid the commissioners of said county are hereby authorized to levy and collect, in addition to all other taxes authorized by law, an amount sufficient to pay said sum of one thousand nine hundred and seventy-eight dollars ($1,978). The question of levying and collecting said sum shall first be submitted to the qualified electors of said county at any general or special election held or that may be held in said county in the year A. D. 1891, of which election due notice shall be given by publication for two consecutive weeks in at least three weekly newspapers published in said county, and by the posting of at least three written or printed posters at conspicuous points in each township of said county. The ballots at said election shall have written or printed thereon, "Relief for W. C. Scott, Yes," or, "Relief for W. C. Scott, No," and if it shall appear that a majority of those voting at said election shall be in favor of the proposition submitted, then said sum shall be levied and collected in the same manner as taxes for all other purposes.

SECTION 3. That an act entitled "An act for the relief of W. C. Scott," passed March 25th, 1891, be and the same is hereby repealed.

SECTION 4. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
362L

[Senate Bill No. 261.]

AN ACT

To authorize the commissioners of Warren county, Ohio, to re-imburse David M. Mulford for loss sustained by reason of the breaking down of a bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Warren county, Ohio, be and they are hereby authorized and empowered to re-imburse and pay David M. Mulford such amount as said commissioners may deem proper, not exceeding the sum of four hundred and fifty dollars ($450.00), for loss sustained by him in the breaking down of a bridge in Turtle Creek township, in said county.

SECTION 2. This act shall take effect on its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
363L

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[Senate Bill No. 497.]

AN ACT

To authorize the board of trustees of the Cincinnati hospital to improve and repair said hospital and to pay off a deficit and to provide a fund therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Cincinnati hospital be and they are hereby empowered to expend in improving and repairing said hospital and providing suitable accommodations for the medical library of said hospital, under the provisions of this act, and in paying off any indebtedness or deficit incurred in the maintenance of said hospital, a sum of money not to exceed the amount received from a levy hereinafter provided for.

SECTION 2. That for the purpose of providing a fund with which to improve and repair said Cincinnati hospital and provide suitable accommodations for the medical library of said hospital, and to pay said indebtedness, the board of trustees are hereby authorized and empowered to certify to the auditor of Hamilton county, on or before the first Monday in June in the year 1891, a tax levy not to exceed one-tenth of a mill on the dollar valuation on the grand duplicate of all taxable property in the city of Cincinnati for the year 1891, and said auditor shall place the same on the tax duplicate of said county for said year, and collect the same as other taxes, the receipts whereof when collected shall be paid into the city treasury as a special fund for the payment of the expenses incurred by said improvement, and the city treasurer shall disburse the same upon the warrant of the city comptroller upon the order of the board of trustees of the said hospital, signed by the president and countersigned by the secretary of said board.

SECTION 3. In anticipation of the receipts from the proceeds of said levy, the said trustees are authorized to enter into contracts for the im-

provements and repairs contemplated by this act, before the proceeds of said levy shall be in the city treasury, and the said trustees are authorized to use for the said purpose such part of the unexpended balance of the branch hospital fund now in the city treasury as may be necessary, the same to be repaid to said branch hospital fund out of the proceeds of the levy hereby authorized when the same shall have been collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
364L

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[Senate Bill No. 553.]

AN ACT

To authorize and require the board of county commissioners of Hardin county to refund certain taxes to Nicholas Miller.

WHEREAS, On the 16th day of January, 1865, the board of county commissioners of Hardin county, in pursuance of the statute providing for the drainage of swamp lands belonging to the state of Ohio, entered into a contract with one Nicholas Miller for the drainage of the south-east quarter of section twenty, in township three south, of range twelve east, in said county of Hardin, containing one hundred and sixty acres of land, according to certain plans and specifications provided by said board, by which contract it was provided that said Nicholas Miller, as a consideration for said work, should, when said work should be completed, have conveyed to him one hundred and twenty acres of said lands; and

WHEREAS, Said board of county commissioners afterwards, in pursuance of law, sold to said Nicholas Miller, for a consideration paid by him, the remaining forty acres of said land; and

WHEREAS, The auditor of said county, before said lands had been conveyed to said Miller, in pursuance of said contract and sale, and while the title to said lands remained in the state of Ohio, and the same were not subject to taxation, entered the same upon the tax duplicate of said county and caused a large amount of taxes to be levied thereon; and

WHEREAS, One George Leighton, after said contract had been entered into, became interested in said lands with said Miller; and

WHEREAS, Said Nicholas Miller and said George Leighton were compelled to pay said taxes so levied, as aforesaid; and

WHEREAS, Said Nicholas Miller has acquired all the right and interest of said George Leighton in and to said taxes; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Hardin county be and the said board is hereby authorized and required to cause to be refunded to said Nicholas Miller, the amount of all taxes levied upon the south-east quarter of section twenty, in township three south, of range twelve east, in said county, while the title to said lands remained in the state of Ohio, which

have been paid by said Nicholas Miller and said George Leighton, or either of them, but the word taxes as herein used shall not be construed to include assessments for ditches and turnpikes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
365L

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[Senate Bill No. 554.]

AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to levy a tax for grading, macadamizing and improving the county road, commencing at the east end of Township avenue, in the village of Elmwood Place, and running thence eastwardly on the section line between sections 11 and 12 to Paddock road, in said county and state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect upon the grand levy of the taxable property of said county, a tax of one-twentieth ($\frac{1}{20}$) of one mill on the dollar, which shall be applied to the grading, macadamizing and improving of a county road, commencing at the east end of Township avenue, in the village of Elmwood Place, and running thence eastwardly on the section line between sections 11 and 12 to Paddock road, in said county and state.

SECTION 2. That the money so to be raised shall be equally divided, and assessed one-half ($\frac{1}{2}$) on the duplicate of 1891 and one-half ($\frac{1}{2}$) on the duplicate of 1892, and when the first one-half ($\frac{1}{2}$) shall have been collected, the said commissioners are authorized to proceed with said improvement.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
366L

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[Senate Bill No. 580.]

AN ACT

To divide Pleasant township, Putnam county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Pleasant township, Putnam county, in the state of Ohio, be and the same

is hereby divided into two election precincts, on the line following: Commencing at a point on the east line of said township between sections 13 and 24, running thence west on the section line between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, and 19 and 18 to a point on the west line of said township between sections 18 and 19. All that part of said township lying north of said line to be known as Pleasant township, north precinct, with the voting place at what is known as the Gettman school-house in section 10 in said township, and all of that part of said township lying south of said line to be known as Pleasant township, south precinct, with the voting place at the village of Columbus Grove in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
367L

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[Senate Bill No. 674.]

AN ACT

To authorize the township trustees and the board of education of Venice township Seneca county, Ohio, to allow and credit upon the indebtedness of Alfred B. Brant, late treasurer of said township, to said township [and] to said board of education the amount of the annual salary of said treasurer for the years from 1882 to 1890 inclusive.

WHEREAS, Alfred B. Brant, late treasurer of Venice township, Seneca county, Ohio, for the years from 1882 to 1890 inclusive did not claim, and was not credited with the fees and salary due him as such treasurer according to law, and such fees and salary were not paid or allowed to him for said time as such treasurer; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Venice township, Seneca county, Ohio, be and they are hereby authorized to allow and credit upon the indebtedness to said township of Alfred B. Brant, late treasurer of said township, the sum of $1,148.35, the amount of the salary of said Alfred B. Brant as such treasurer for the years from 1882 to 1890 inclusive, not heretofore credited to him, and that the board of education of said township be and is authorized to allow and credit upon the indebtedness of said Alfred B. Brant to the school fund of said township the sum of $369.64, being the amount of the compensation of said Alfred B. Brant as such treasurer, for the years 1882 to 1890 inclusive, not heretofore credited to him.

SECTION 2. That said allowances and credits, if made, be made by said township trustees, and said board of education notwithstanding the annual settlement of said treasurer with said township trustees and with said board of education.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
363L

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[House Bill No. 1418.]

AN ACT

Supplementary to an act entitled "An act to create a special road district of Pultney township, Belmont county, Ohio, and authorize the commissioners of said county to locate, grade and improve certain roads, and provide for the payment thereof by a local tax."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be and the same hereby is enacted as supplementary to the act of March 25th, 1890 (O. L., vol. 87, page 477):

SECTION 2. That Pultney township, in Belmont county, and the city of Bellaire, in said township, for the purpose of constructing and maintaining the following additional roads, to those provided for in the act to which this is supplementary, shall constitute one road district; and the commissioners of Belmont county are hereby authorized to locate, grade and improve by paving or macadamizing, the following roads within said township and city, to-wit:

FIRST. Commencing at a point on the Bellaire and Wegee pike, near the bridge across Pinch run, thence up said run along the line of the present public road as near as practicable to the residence of Jacob Long.

SECOND. Commencing at a paved street in the city of Bellaire, thence south-westerly by the most practicable route to the Jewish cemetery on the Jacobsburg grade road, thence following said road as near as practicable westward to intersect the Bellaire and Jacobsburg pike.

THIRD. Commencing at a point on the Bellaire and Jacobsburg pike near the mouth of Brooks run, thence by the most practicable route westward to Trough run, thence up said run to the Neffs' siding and Jacobsburg road.

FOURTH. Commencing at a point on the last named line near the church of God at Georgetown, thence following the county road known as the Fulton Hill road as near as practicable south-westward through the lands of August Undersuver to the Bellaire and Jacobsburg pike.

FIFTH. Commencing at a point on Noble street in Bellaire north of Indian run, thence up said run and by the most practicable route westward to intersect the Bellaire and St. Clairsville pike at or near the Rockhill school-house.

SECTION 3. The commissioners of said county, within thirty days after the approval of this act by a majority of the qualified voters of Pultney township, voting at the election hereinafter provided for, may appoint viewers, who, together with the county surveyor or some competent engineer appointed by the commissioners, shall proceed to locate said roads.

SECTION 4. As soon as practicable after the location of said of road, the commissioners of said county shall proceed to grade and pave or macadamize the same; the grading shall be not less than 30 feet wide, when practicable, and the grade shall not exceed six degrees on either of said lines of road, and the pavement or macadamized road shall not be less than 16 feet wide.

SECTION 5. For the purpose of carrying into effect the provisions of this act, the said board of commissioners are hereby authorized to appoint a competent engineer or superintendent, who shall prepare plans and specifications for said improvements for the approval of the commissioners, and shall inspect the work and materials of said improvements, and the commissioners shall require said officer to give bond for the faithful performance of his duties, and in addition to the duties which may be set forth in his contract of employment, the commissioners may from time to time require such further duties of him as they may deem necessary to insure the proper superintendence of the construction and completion of said improvements, all of which cost or expense shall constitute a part of the cost of said roads, to be paid for as hereinafter provided.

SECTION 6. The contract for said improvements shall be let after publication, as provided in other similar cases, either as a whole or in sections, as the commissioners may determine, and they may let the grading and stone work and paving or macadamizing separately on specific bids as to total cost of each class of work according to specifications on each road or section thereof, but said work shall be let to the lowest and best bidder at a public letting, the notice of which shall give full information as to the manner in which bids are to be made and received. All contractors shall be required to give bond for the faithful performance of their contract, in such amount as the commissioners may prescribe.

SECTION 7. The commissioners shall construct all necessary bridges and culverts for said improvements, and pay the costs thereof out of the bridge fund of said county of Belmont, and said commissioners are hereby authorized to provide a fund for the same.

SECTION 8. To pay all costs and expenses, of said improvements, which shall not, in the aggregate, exceed sixty thousand dollars, excluding the preliminary work of locating and the provisions of section number 7 hereof, which latter are to be paid by the county at large, the commissioners are hereby authorized to issue and sell the bonds of the county, to be known as Pultney township road bonds, in such denominations as they may determine, not to exceed in the aggregate the sum of sixty thousand dollars, bearing interest not to exceed 5 per cent. per annum, payable semi-annually, the bonds to be made payable in not more than 25 years and redeemable at the end of 15 years from the date of issue, at the office of the treasurer of said county; said bonds not to be sold for less than their par value; and for the purpose of paying the interest on said bonds and creating a sinking fund out of which to redeem or pay them at maturity, the commissioners are authorized to levy upon all the taxable property in said special road district (Pultney township and Bellaire city) in addition to the taxes authorized by the act to which this is supplemental, and all other taxes now authorized, not exceeding one mill on the dollar valuation in any one year, unless a greater levy is needed to pay the said bonds, to the amount of $60,000, and the accruing interest thereon within the time herein provided.

SECTION 9. When said lines of road are completed, the commissioners shall establish toll-gates, appoint toll collectors, fix a tariff of tolls and cause the same to be collected. After deducting the expenses of collecting the same all tolls shall be paid into the county treasury, to be placed to the credit of said road district, and shall be used first for the purpose of making necessary repairs upon said roads, and the surplus, if any, shall be applied to the payment of the interest on said bonds.

SECTION 10. That in the matter of viewing, locating and appropriating of road-bed, and doing all work not herein specifically provided for, the commissioners shall be governed by the provisions of chapter eight, of title seven of the Revised Statutes, and in case of appeal to the probate court from the assessment made by the viewers, the commissioners of the county as trustees of the Pultney township road fund, shall be made party defendant, and defend on behalf of the said road district.

SECTION 11. The question of the construction of the roads, herein provided for, shall be submitted to the qualified voters in said township and city of Bellaire at a general or special election, to be called by the trustees of Pultney township, thirty days' notice of which shall be published in at least two newspapers published in said township of Pultney and city of Bellaire. Those voting in favor of such road improvement shall have printed or written on their ballot, "For road improvement—Yes;" and those voting against shall have printed or written on their ballot, "For road improvement—No;" and if a majority voting on such proposition shall be in favor of such road improvement, the commissioners shall proceed, as herein provided, to construct or improve said roads.

SECTION 12. It shall be the duty of the township trustees to issue their call for said election within fourteen months from the passage of this act, and the township clerk shall make a record of such call and notice of election.

SECTION 13. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
369L

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[House Bill No. 1625.]

AN ACT

To empower and authorize the agricultural society of Paulding county, Ohio, to issue bonds to pay its indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the agricultural society of Paulding county, Ohio, be, and it hereby is authorized to issue bonds in denominations of five hundred dollars each, for the sum of twenty-five hundred dollars, for the purpose of paying its indebtedness now accrued.

SECTION 2. Said bonds so issued by said society shall bear interest not to exceed six per cent. per annum, payable annually.

SECTION 3. Said bonds shall be made payable in five, six, seven, eight, and ten years after date thereof.

SECTION 4. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
370L

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[House Bill No. 1660.]

AN ACT

**To amend an act entitled "An act to divide Canton township, Stark county, Ohio, into two election precincts," passed April 12, 1889 (O. L., vol. 86, page 659).**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to divide Canton township, Stark county, Ohio, into two election precincts," passed April 12, 1889 (O. L., vol. 86, page 659) be amended to read as follows: That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31 and 32 shall be known as the Canton precinct of said township, with place of holding election at the city of Canton, in said township; and sections 25, 26, 27, 28, 33, 34, 35 and 36 shall be known as the North Industry precinct of said township, with place of holding election at North Industry, in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
371L

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[House Bill No. 1674.]

AN ACT

**To authorize the commissioners of Hamilton county to improve West Fork road.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to levy, assess and collect upon the grand levy of the taxable property of said county, a tax of $\frac{9}{100}$ of one mill on the dollar which shall be applied to the grading, macadamizing, and improving of West Fork road, commencing at the south side of Colerain avenue to the intersection of Westwood road.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
372L

[House Bill No. 1676.]

AN ACT

**To authorize the commissioners of Hamilton county, to build a bridge and approaches across Taylor's creek at Fowler's ford, at a point where the road leading from the Harrison pike to North Bend, Ohio, crosses it in Colerain township.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to build a bridge and the approaches thereto, across Taylor's creek at Fowler's ford, at a point, where the road leading from the Harrison pike to North Bend, Ohio, crosses it in Colerain township.

SECTION 2. In order to raise the money necessary to make said improvement, said commissioners, in addition to their other powers of taxation be, and they are hereby authorized to assess, and collect on the grand levy and duplicate of taxable property of said county $\frac{1}{100}$ of a mill, to be assessed in the year A. D. 1891, and which shall be applied by them, in making said improvement, as soon as practicable, after its collection.

SECTION 3. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 28, 1891.
373L

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[House Bill No. 1680.]

AN ACT

**Authorizing the commissioners of Hamilton county to levy a tax to grade, macadamize and improve parts of certain roads in Columbia township, Hamilton county, Ohio.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect upon the grand levy of the taxable property of said county, a tax of one twenty-fifth ($\frac{1}{25}$) of one mill on the dollar, which shall be applied to the grading, macadamizing and improving the following described parts of roads in Columbia township, Hamilton county, Ohio, to-wit: Beginning in the Montgomery turnpike at its intersection with Ridgeway avenue; thence southwardly following said Ridgeway avenue to Euclid avenue; thence eastwardly following said Euclid avenue to Yononte avenue; thence southwardly following said Yononte avenue to the county road known as the Pleasant Ridge and Madisonville road.

SECTION 2. That the money so to be raised shall be equally divided and assessed, one-half ($\frac{1}{2}$) on the grand levy and duplicate of taxable property of said county of 1891, and one-half ($\frac{1}{2}$) on the duplicate of 1892; and when the first one-half ($\frac{1}{2}$) shall have been collected the said commissioners are authorized to proceed with said improvement.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
374L

[House Bill No. 1718.]

AN ACT

To authorize the commissioners of Clermont county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, be and they are hereby authorized to transfer the sum of three thousand dollars from the building fund to the general county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
375L

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[House Bill No. 1719.]

AN ACT

To authorize North township, Harrison county, Ohio, to execute bonds to the P. C. C. & St. L. Railway Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of North township, Harrison county, Ohio, are hereby authorized and empowered to execute to the "Pittsburgh, Cincinnati and St. Louis railway company," or its successor, the "Pittsburgh, Cincinnati, Chicago and St. Louis railway company," a bond in any sum not exceeding fifteen thousand dollars ($15,000), thereby binding said North township to indemnify said railway company against any loss said company may sustain by reason of issuing to said township a duplicate certificate for two hundred and fifty-three (253) shares of stock in said P. C. and St. L. railway company, or its said successor, the P. C. C. and St. L. railway company, to which, by the circuit court of Harrison county, Ohio, said township was found to be entitled. But for which said township has now no certificate, the certificate entitling said township thereto having been found to be lost or destroyed on the hearing by said court in the case of said trustees against said "Pittsburgh, Cincinnati and St. Louis railway company."

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
376L

[House Bill No. 1723.]

AN ACT

To authorize the trustees of Mill Creek township, Hamilton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Mill Creek township, Hamilton county, Ohio, be and they are hereby authorized to transfer to the board of education of special school districts numbers 3 and 17, Columbia and Mill Creek townships, a certain fund amounting to $1,606.12 that was raised by a levy upon the taxpayers of the s. e. precinct of Mill Creek township in the year 1886, for the purpose of erecting a town hall in that precinct.

SECTION 2. That all right and title to any plat of ground purchased by said township trustees out of said fund, be and the same is hereby vested in the board of education of the special school districts numbers 3 and 17, Columbia and Mill Creek townships.

SECTION 3. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
377L

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[House Bill No. 1725.]

AN ACT

To change the name of Henry Vale to Henry Hale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Henry Vale, a resident of Claridon, Geauga county, Ohio, be and the same is hereby changed to that of Henry Hale.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
378L

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[House Bill No. 1726.]

AN ACT

To authorize the council of the incorporated village of Navarre, Stark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Navarre, Stark county, Ohio, be

and is hereby authorized and empowered to transfer from the general purpose fund, nine hundred dollars; to the credit of the street fund four hundred dollars, to the credit of the police fund four hundred dollars, and to the credit of the street light fund one hundred dollars.

SECTION 2. This act to take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
379L

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[House Bill No. 1731.]

AN ACT

To authorize the village of Avondale, Hamilton county, Ohio, to borrow money and issue bonds for the extension of its town hall and fire purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Avondale, in the county of Hamilton, be and it is hereby authorized to borrow money, not exceeding ten thousand ($10,000.00) dollars in amount, for the purpose of enlarging and extending its town hall, and for fire purposes in the village, and to issue bonds of said village therefor, the same to bear interest at a rate not exceeding five (5) per cent. per annum, payable semi-annually, and to be of such denominations and to mature at such times as said council shall determine; provided, that such bonds shall not be sold for less than their par value.

SECTION 2. Said council is hereby authorized to levy such amount of tax upon the taxable property of said village as may be necessary to pay the interest and principal of such bonds when the same become due; said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
380L

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[House Bill No. 1742.]

AN ACT

To authorize the council of New Bloomington, Marion county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of New Bloomington, Marion county, Ohio, be

and is hereby authorized to transfer the following sums of money: One hundred and twenty-five dollars from the police fund, and seventy-five dollars from the general fund to the street fund, and five hundred dollars from the general fund to the fire and water fund.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
381L

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[House Bill No. 1747.]

AN ACT

To authorize the trustees of Sycamore township, Wyandot county, Ohio, to issue bonds for the purpose of general improvement and benefit of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Sycamore township, Wyandot county, Ohio, be and are hereby authorized to borrow, not to exceed forty thousand dollars ($40,000.00), to be applied to the general improvement and benefit of said township.

SECTION 2. That for the purpose of meeting the expenses aforesaid, the trustees of Sycamore township, Wyandot county, Ohio, are authorized to issue bonds, to be signed by the said trustees and attested by the township clerk of said Sycamore township, in denominations of not less than five hundred dollars ($500.00) and not more than one thousand dollars ($1,000.00), bearing interest at a rate not to exceed six per cent. per annum, payable annually; said bonds to be payable at such time or times, not exceeding twenty-five years from their respective dates thereof, as said trustees may determine, which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission, and said bonds may, in the discretion of said board of trustees, have interest coupons attached, and said bonds and interest shall be payable at the village of Sycamore, Wyandot county, Ohio.

SECTION 3. That for the purpose of paying said bonds and the interest as the same shall become due, the said board of trustees are hereby authorized and empowered to levy on all the taxable property of said township of Sycamore, Wyandot county, Ohio, a tax for such an amount annually not exceeding three mills (.003) above the maximum authorized by the general laws, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected paid over to the treasurer of said township.

SECTION 4. This act to authorize the trustees of said Sycamore township, Wyandot county, Ohio, to issue bonds for the general improvement and benefit of said township, before the same shall become operative shall first be submitted to a vote of the qualified electors of Sycamore township, Wyandot county, Ohio, and if said act be ratified and affirmed by a majority of all the votes for or against said act, at any general election held in said township of Sycamore or by a special election to be called by

the trustees for that purpose and in either case by giving notice thereof for ten days previous thereto by publication in three newspapers published in or of general circulation in Wyandot county. The election shall be held at the usual place of holding elections in said township, and all the electors favoring said proposition shall have written or printed on their ballots, "Issue of improvement bonds—Yes;" and those opposed to said proposition shall have written or printed on their ballots, "Issue of improvement bonds—No;" and should a majority of the electors voting upon said proposition vote "Yes," then said board of trustees shall be authorized to issue said bonds as provided in this act and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
382L

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[House Bill No. 1748.]

AN ACT

To authorize the village council of the village of South Charleston, Clark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of South Charleston, Clark county, Ohio, be and it is hereby authorized to transfer the following funds, viz: Four hundred dollars from the police fund, one hundred dollars from the town hall fund, and one hundred dollars from the general fund, to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate*

Passed April 23, 1891.
383L

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[House Bill No. 1749.]

AN ACT

To allow the treasurer of Camden township, Lorain county, to deposit funds

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of Camden township, Lorain county, Ohio, be and is hereby authorized with the consent of the township board of education of said township to loan or to deposit where it will draw interest, the sum of about twenty-three hundred and thirty-eight dollars ($2,338), schoolhouse funds now in hands as [of] such treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
384L

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[House Bill No. 1750.]

AN ACT

To authorize the city council of the city of Sandusky, Erie county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Sandusky, Erie county, Ohio, be and they hereby are authorized and empowered to permanently transfer from the police fund to the building fund the sum of three thousand five hundred dollars ($3,500).

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
385L

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[House Bill No. 1751.]

AN ACT

To provide a voting place for the electors of precinct No. 2, in Goshen township, Mahoning county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Goshen township, Mahoning county, Ohio, are hereby authorized to use the school-house in sub-district number 8 in said township for election purposes; and any school in session at the time shall stand adjourned for that day, and the teacher of said school, shall be entitled to receive his full compensation for said election day.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
386L

[House Bill No. 1753.]

AN ACT

To transfer funds in Rockport township, Cuyahoga county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Rockport township, Cuyahoga county, Ohio, be and the same are hereby authorized to transfer from the poor fund to the bond fund of said township the sum of twenty-five hundred ($2,500.00) dollars.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
387L

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[House Bill No. 1754.]

AN ACT

To authorize the board of education of the Latty special school district of Paulding county to issue and sell bonds and erect a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Latty special school district is hereby authorized and empowered to issue and sell the bonds of said special school district in any amount not exceeding ten thousand dollars for the purpose of erecting a new school-house in said district. The said bonds shall be issued and sold according to law; shall be in denominations of not to exceed five hundred dollars each; shall be payable in not to exceed twenty years from their date of issue, and shall draw a rate of interest not exceeding six per cent. per annum; and the said board is hereby authorized to levy a tax, in addition to that now authorized by law, on all the taxable property of said district sufficient to pay the principal and interest of said bonds as the same may mature.

SECTION 2. Provided however, that the said board of education shall not issue or sell the bonds of said school district as provided for in section 1 of this act until the question of the issue and sale of such bonds have been submitted to the qualified electors of said school district at some special or general election, due notice of which shall be given by written or printed notices posted in not less than ten conspicuous places in said district not less than two weeks befor such election. At such election those voters who vote in the affirmative shall have written or printed on their ballots "For issue and sale of school-house bonds—Yes," and those who vote in the negative shall have written or printed on their ballots "For issue and sale of school-house bonds—No." If at such election a majority of the votes cast be in favor of the issue and sale of said bonds then and only then shall the said board of education have authority to issue and sell said bonds as provided for in section one of this act.

SECTION 3. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
388L

[House Bill No. 1760.]

AN ACT

To authorize the council of the village of Logan, Hocking county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Logan, Ohio, be and is hereby authorized to transfer from the "natural gas fund," the sum of two hundred dollars ($200), to "Gallagher avenue fund;" the sum of five hundred dollars ($500), to the "fire department fund;" and the sum of six hundred and sixty-five dollars ($665) to the street lighting fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
389L

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[House Bill No. 1761.]

AN ACT

To authorize the council of the village of Nashville, Holmes county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Nashville, Holmes county, Ohio, are hereby authorized to transfer eighty-eight ($88.00) dollars from the police fund, to the street and light fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
390L

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[House Bill No. 1765.]

AN ACT

To authorize the council of the village of Covington, Miami county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Covington, Miami county, Ohio, be and the same is hereby authorized to transfer the sum of five hundred dollars from the street fund of said village to the sinking fund of said village.

SECTION 2. This act shall take effect and be in force on and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
391L

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[House Bill No. 1515.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to build an addition to Longview asylum, in said county, and to issue bonds and levy taxes therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized and empowered to build an addition to Longview asylum, and borrow money to pay for the same, not to exceed the sum of sixty thousand dollars.

SECTION 2. That to secure the payment of the amount so borrowed, with interest, the said commissioners are authorized to issue and sell the bonds of said county (with coupons for the interest), payable in thirty years, and redeemable after twenty years from date. Said bonds shall be denominated "Longview asylum improvement bonds," and shall be for the sum of $500.00 each, payable to bearer, and bear interest at a rate not exceeding five per centum, payable semi-annually. Said bonds and coupons shall be signed by the county commissioners and countersigned by the auditor of said county, and in making sale of said bonds the said commissioners shall be governed by the provisions of the act passed March 22, 1883 (Ohio laws, vol. 80, p. 68), entitled "An act providing for the sale of public bonds."

SECTION 3. The commissioners of said county shall in the event that such bonds are issued as hereinbefore provided annually, at their June session, levy such amount of taxes as will pay the interest on such bonds and create a sinking fund sufficient to redeem the same at maturity, not exceeding for said sinking fund three and one-third per centum per annum, on the total indebtedness, and all taxes levied and collected under the provisions of this act shall be applied exclusively for the purpose for which they are levied.

SECTION 4. That if on the completion of said addition there is any unexpended balance of said fund, it shall be placed and kept to the credit of the sinking fund provided by this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
392L

[House Bill No. 1450.]

AN ACT

To improve the Carthage turnpike.

WHEREAS, By reason of the encroachment of the stream of water parallel with and on the east side of the Carthage turnpike near Forest avenue, the road is becoming dangerous to public travel; and

WHEREAS, By reason of the placing on said turnpike of tracks for an electric railway, it becomes necessary, in the public interest, to utilize the full width of the roadway; and

WHEREAS, The said turnpike may be greatly improved by directing a stream of water running northwardly from a point opposite Forest avenue and parallel with the said turnpike for several hundred feet on the west side thereof, directly under said pike by a culvert to discharge into the main culvert;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county, Ohio, are hereby authorized to improve the Carthage turnpike by extending the culvert on the east side thereof from its present terminus south of Forest avenue to the point north of said avenue where the stream of water diverges from the line of said turnpike eastwardly. Also to construct a culvert under said turnpike at a point where the stream on the west side near Forest avenue strikes said roadway, thereby conveying it into the main culvert, to be extended as aforesaid, on the east side.

SECTION 2. To raise the funds necessary to make this improvement, the county commissioners are hereby authorized to issue the bonds of the county for a sum not exceeding twenty thousand dollars ($20,000), said bonds to be known as "Carthage turnpike improvement bonds," to be of a denomination of $500 each, and to be payable in twenty (20) years from date, with interest coupons attached payable semi-annually at the rate of four (4) per cent. per annum.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
393L

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[House Bill No. 1473.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for opening and improving a road extending from Riverside avenue in Loveland, Symmes township, to a point on the Montgomery pike, at the Union cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to levy a tax of one-twentieth ($\frac{1}{20}$) of a mill, in addition to the taxes now

by law authorized to be levied upon the grand duplicate of all the taxable property of said county for each of the fiscal years 1891 and 1892, and to expend the same thus raised in improving by opening, grading and macadamizing the following described county road: Beginning at Riverside avenue in Loveland, Symmes township, thence with the county road west to the county road leading to the twenty-mile stand, thence north on said road to a point where county road runs westwardly, thence with said road to the intersection of said road and the Montgomery pike, at the north-east corner of the Union cemetery, in all a distance of about three and one-half miles, to be known as the Loveland and Union Cemetery road.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
394L

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[House Bill No. 1483.]

## AN ACT

To authorize the commissioners of Montgomery county, Ohio, to assist in the location and construction of certain ditches, drains or water-courses hereafter located in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of Montgomery county, Ohio, be and hereby is authorized, whenever in its opinion it shall be necessary for the protection of any free turnpike roads or toll roads converted into free roads, in said county, to assist in the location and construction of any county ditch in said county, which may hereafter be located under the laws of this state. Such assistance may be given by assuming any portion of the costs and expenses of the location, labor and materials of constructing such ditch improvement, which said commissioners may choose to apportion to the county, not exceeding twelve thousand dollars, which amount shall be deducted from the total cost of such improvement, and the residue of such cost only to be apportioned to the land-owners as provided by law.

SECTION 2. For the purpose of raising money to defray the costs and expenses of the ditch improvement provided for in section one (1), said commissioners are hereby authorized and empowered at any time, and from time to time, and in such amounts as may be necessary, to issue and sell the bonds of Montgomery county, Ohio, according to law, in sums not less than five hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of twelve thousand dollars; and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature, and the interest thereon; and at such rate and such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
395L

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[House Bill No. 1582.]

AN ACT

To authorize the county commissioners of Preble county, Ohio, to issue and dispose of the bonds of the county, for the purpose of providing for a deficiency in the county funds of said county; and providing for the payment of the interest and principal of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Preble county, Ohio, for the purpose of providing for a deficiency in the county funds of said county, arising from insufficient levies for county purposes, be and they are hereby authorized to issue the bonds of said county, to such amount as may be necessary for the purpose named, but not to exceed six thousand dollars ($6,000).

SECTION 2. Said bonds shall bear interest at a rate not exceeding six per cent. per annum, interest payable semi-annually, and shall be issued, signed and sold according to law, in such sums as the commissioners may determine, but shall not be sold for less than their par value; said bonds to be paid within three years from the date thereof, at the discretion of said commissioners.

SECTION 3. For the purpose of paying said bonds and the interest thereon as the same may become due and payable, the commissioners are hereby required to levy, annually, on all the taxable property within the county, a sum sufficient to pay the same, in addition to all other taxes authorized by law; said levy not to exceed two-tenths of one mill on the dollar, in any one year.

SECTION 4. This act to take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
396L

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[House Bill No. 1697.]

AN ACT

To authorize the village council of the incorporated village of Hudson, in the county of Summit, and state of Ohio, to issue bonds for road and street improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Hudson, in the county of Sum-

mit, in the state of Ohio, be and is hereby authorized to issue the bonds of said village in any sum not exceeding five thousand dollars, to become due and payable in five annual payments for the purpose of improving the streets and roads of said village; said bonds shall be issued in denominations of five hundred dollars each, and to bear interest not exceeding seven per cent. per annum, to be paid annually, and shall not be sold for less than their par value.

SECTION 2. For the payment of said bonds and the interest which may accrue thereon, the liquor tax paid in said village (except the portion due the state) during any indebtedness on said bonds shall be appropriated toward the payment of the same, and for the balance of such indebtedness said council is hereby authorized and required to levy a tax on all taxable property within the corporate limits of said village, in such amounts each year as will meet the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the county auditor and collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 23, 1891.
397L

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[Senate Bill No. 587.]

AN ACT

To authorize the board of education of Ottawa special [school] district, Ottawa township, Putnam county, Ohio, to borrow money and issue bonds therefor for the purpose of completing and furnishing a school-house in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Ottawa special school district in Ottawa township, Putnam county, Ohio, be and the same is hereby authorized to issue the bonds of said district in a sum not exceeding two thousand five hundred [dollars] ($2,500.00) for the purpose of aiding and constructing and completing and furnishing of the school building in said district.

SECTION 2. Said bonds shall be issued in the denominations of five hundred dollars each bearing interest at a rate not exceeding 6% per annum payable semi-annually and with interest coupons attached and shall be made payable not later than twenty-five years from the date of their issue, and the same shall not be sold for less than their par value. Said bonds shall be signed by the president and attested by the clerk of said board, and the same may be sold at public or private sale as said board may determine, and the principal and interest thereon shall be made payable at the Ottawa Exchange bank, at Ottawa, Ohio.

SECTION 3. Said board shall annually after the issue of said bonds cause the necessary taxes in addition to those now provided by law to be levied to pay the principle [principal] and interest on said bonds as the same shall become due, in the manner provided by law, for the levying and collection of taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
398L

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[Senate Bill No. 609.]

AN ACT

**To authorize the improvement of the River road in Providence township, Lucas county, Ohio.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lucas county, Ohio, be and they are hereby authorized to improve the river road, or portions thereof, in Providence township, Lucas county, including the spur to the bridge over the Maumee river, at or near Grand Rapids, Ohio, by macadamizing the same with stone or gravel, subject to the terms and conditions of sections 4836*a*, 4836*b*, 4836*c*, 4836*d*, 4836*e*, 4836*f* of the Revised Statutes of Ohio (known as the Lucas county stone road law), so far as the same are not inconsistent herewith.

SECTION 2. The county commissioners shall pay for one-half of the cost of such improvement, and the remaining one-half shall be paid for as follows, to-wit: One-fourth of said cost shall be assessed upon the lots and lands abutting upon the portions of said road so improved, in proportion to the benefits to be derived therefrom by said lots and lands; and the remaining one-fourth of said cost shall be paid by the township trustees of Providence township, Lucas county, Ohio.

SECTION 3. For the purpose of raising the money necessary to pay said portion of the cost and expense authorized to be paid by the said township trustees of Providence township, said trustees are hereby authorized and empowered to issue the bonds of said township in such sums as they shall determine, not exceeding $2,500.00 in total amount, bearing a rate of interest not to exceed six per cent. per annum, and due at such times as they shall determine, but not beyond six years from the date of issue. Said bonds shall be sold for not less than their par value.

SECTION 4. Before said bonds are issued and sold the question of their issuance and sale shall be submitted to a vote of the qualified electors of said township at a general or special election, to be held after ten days' notice thereof, by written notices posted in five of the most public places in said township. The ballots voted shall have written or printed thereon the words, "For stone road—Yes," or "For stone road—No;" and a majority of the votes cast at said election shall determine the right of said trustees to issue and sell said bonds as herein provided. For the purpose of meeting the payment of said bonds and the interest thereon, said trustees are hereby authorized and empowered to levy upon the grand duplicates of said township, a sufficient levy, necessary to pay said bonds and interest thereon, in addition to all other taxes. They shall certify said levy to the auditor of Lucas county, Ohio, who shall place the same upon the tax duplicates of said township, and the treasurer of said county

shall collect the same with the other taxes thereon; and pay out the same only upon the order of the trustees of said township, who shall take up and cancel said bonds and interest coupons as fast as the same are paid.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
399L

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[Senate Bill No. 647.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of New Straitsville, Perry county, is hereby authorized to transfer from the police fund to the interest fund, the sum of two hundred ($200) dollars.

SECTION 2. This act shall take effect and be in force from and after passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
400L

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[Senate Bill No. 680.]

AN ACT

To authorize the board of education of Delphos, Ohio, school district, to issue bonds and levy a tax for purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Delphos, Ohio, school district in Allen, Putnam and Van Wert counties, be and they are hereby authorized to issue the bonds of said school district in an amount not exceeding five thousand dollars, payable any time the board may direct, not exceeding five years, the same to bear interest at five per cent. per annum, payable semi-annually, for the purpose of paying off a floating debt, repairing the school buildings, and improving the grounds about the same in said school district. Said bonds shall be issued in such amounts, respectively, as said board may direct, and shall not be sold for less than their par value. Said bonds shall be signed by the president of the board and attested by the secretary.

SECTION 2. For the purpose of paying the said bonds and the interest on the same as they become due, the board of education is hereby authorized to levy a tax on all the taxable property in said school district (to be collected the same as other taxes are now collected in said district), not exceeding one mill, for any time said board may deem necessary not exceeding five years.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 24, 1891.
401L

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[Senate Bill No. 677]

AN ACT

To authorize the village of Manchester to acquire certain ferry privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of Manchester, in Adams county, is hereby authorized and empowered to acquire by purchase or in any other lawful mode, and to hold, use and enjoy as fully as any natural person might do, the necessary real estate, rights and franchises in Lewis county, Kentucky, for a steam ferry between said village and the opposite bank of the Ohio river, and the authority hereby granted may be exercised by said village for itself alone, or jointly with another person or corporation.

SECTION 2. For the purpose of acquiring such ferry rights said village may, if in the judgment of the council it is necessary so to do, borrow money not exceeding fifteen hundred dollars, and issue the bonds of the corporation in payment thereof, running such time as the council may prescribe, bearing not more than 6 per cent. interest, and which shall not be sold at less than par.

SECTION 3. If, at any time, the council of said village deems it necessary to make a further expenditure for such ferry purposes to that authorized by the preceding section, they may submit, upon ten days' public notice thereof, to the electors of the village, either at a general election or a special election called for that purpose, the question of an additional ferry expenditure of any sum not exceeding $1,500.00. The amount of the proposed expenditure shall be distinctly stated in the notice of election, and the ballots shall be "Additional ferry money—Yes;" and "Additional ferry money—No;" and if a majority of the voters at such election shall favor said expenditure, then the council shall have the same authority with reference thereto, as is conferred in the second section of this act as to the amount therein authorized.

SECTION 4. Any property, right or franchise acquired by said village under this act shall be held, managed, leased, sold, conveyed or otherwise disposed of in the same manner as other property of the corporation of the village of Manchester.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
402L

[Senate Bill No. 691.]

## AN ACT

To authorize the board of education of St. Mary's village school district, in Auglaize county, Ohio, to borrow money and issue bonds therefor for the purpose of providing additional school facilities for said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of St. Mary's school district in Auglaize county, Ohio, be and hereby is authorized to acquire real estate; to construct an addition to one of the school buildings now in said district or to build a new school building as said board shall elect; and to furnish and equip the building so built. Provided that the cost of said real estate, school building and equipment shall not aggregate more than twelve thousand ($12,000) dollars.

SECTION 2. That for the purposes aforesaid the said board is authorized hereby to issue bonds in any amount not exceeding twelve thousand ($12,000) dollars in amount, to be signed by the president and countersigned by the clerk of said board. Said bonds shall be issued in denominations of not less than one hundred dollars and not more than one thousand dollars each, shall bear interest at a rate of not to exceed six per cent. per annum, payable annually, from the day of their issue, shall be paid at such time or times not exceeding twenty-five years from the respective dates thereof as said board may determine. Said bonds shall not be sold for less than the par value thereof, and may have interest coupons attached as said board may elect.

SECTION 3. That for the purpose of paying said bonds and interest thereon as the same shall become due, the said board of education is authorized and empowered to levy a tax annually on all taxable property in said district, in addition to that now authorized by law, sufficient to pay the same, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected, paid over to the treasurer of said district.

SECTION 4. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
403L

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[House Bill No. 1303.]

## AN ACT

To extend, grade, macadamize, gravel and improve Williams avenue, in Columbia township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county are hereby authorized to grade, macadamize, gravel and improve Williams avenue, in Columbia township, in Hamilton county, Ohio, along the following route, to-wit: Thirty (30) feet in width on each side of the following described center

ine, beginning at the intersection of Williams avenue and Duck Creek oad, thence eastwardly on the section line between sections thirty-three 33) and thirty-four (34), and sections twenty-seven (27) and twenty-eight 28), Columbia township, a distance of three thousand feet, more or less, o the Cincinnati, Oakley and Madison avenue.

SECTION 2. To facilitate the construction of this improvement, the ommissioners shall appoint three competent freeholders of said county s trustees, to supervise and direct said improvement, who shall act without compensation. Said trustees shall employ a skillful surveyor or civil engineer to assist them, under their directions and control, in said work of said extension and improvement, and shall survey and plainly mark out the lines of said extension and improvement, and obtain the right of way over any private property necessary for said extension and improvement, by dedication or agreement with the owners thereof, subject to the approval of the said commissioners.

SECTION 3. If said trustees should be unable to obtain the right of way over any of the private property necessary for said extension and improvement by dedication or agreement with the owners thereof, as above provided, they shall so report to the said commissioners, who shall immediately appoint three disinterested freeholders of the county as viewers, to view, determine and assess the compensation and damages for any property so appropriated for said extension and improvement not obtained by said trustees as above provided. The commissioners shall forthwith notify the viewers and the surveyor above provided for of the time and place of their meeting to make the view, and shall also give notice by publication in some newspaper published and of general circulation in said county, for three consecutive weeks prior to said meeting, which notice shall state the time and place of the meeting, the place of beginning of said improvement, the route thereof and place of termination, and the kind of improvement to be made.

SECTION 4. The viewers and surveyors shall meet at the time and place specified in the order of the commissioners, and shall take an oath faithfully and impartially to discharge the duties of their appointments, respectively. The viewers shall proceed to assess and determine the compensation to be paid in money for the property so appropriated to extend said avenue, without deduction for benefit to any property of the owner, and to assess and determine how much less valuable, if any, the land or premises from which such appropriation may be taken will be rendered by the extension and improvement of said avenue, but they shall not be required to assess damages or compensation to any person, except minors, idiots or lunatics, in consequence of the appropriation of any private property in the extending of said avenue and the making of said improvement, unless the owner thereof or his agent file a written application for the same with the viewers at or before said meeting, giving a description of the premises of which damages or compensation is claimed, and all applications for damages or compensation shall be barred unless they be presented as herein required, and said viewers shall report all compensation or damages so assessed and determined to the commissioners for approval, who may approve same or appoint three other disinterested freeholders as viewers, to make the view anew and report as in the first instance. Any person feeling aggrieved by the assessment of compensation or damages so made, after it has been approved by the commissioners, may, on notifying said commissioner[s] of his intention so to do, within ten days after their said approval of said assesment, appeal to the probate court of said

[Senate Bill No. 691.]

## AN ACT

To authorize the board of education of St. Mary's village school district, in Auglaize county, Ohio, to borrow money and issue bonds therefor for the purpose of providing additional school facilities for said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of St. Mary's school district in Auglaize county, Ohio, be and hereby is authorized to acquire real estate; to construct an addition to one of the school buildings now in said district or to build a new school building as said board shall elect; and to furnish and equip the building so built. Provided that the cost of said real estate, school building and equipment shall not aggregate more than twelve thousand ($12,000) dollars.

SECTION 2. That for the purposes aforesaid the said board is authorized hereby to issue bonds in any amount not exceeding twelve thousand ($12,000) dollars in amount, to be signed by the president and countersigned by the clerk of said board. Said bonds shall be issued in denominations of not less than one hundred dollars and not more than one thousand dollars each, shall bear interest at a rate of not to exceed six per cent. per annum, payable annually, from the day of their issue, shall be paid at such time or times not exceeding twenty-five years from the respective dates thereof as said board may determine. Said bonds shall not be sold for less than the par value thereof, and may have interest coupons attached as said board may elect.

SECTION 3. That for the purpose of paying said bonds and interest thereon as the same shall become due, the said board of education is authorized and empowered to levy a tax annually on all taxable property in said district, in addition to that now authorized by law, sufficient to pay the same, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected, paid over to the treasurer of said district.

SECTION 4. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
403L

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[House Bill No. 1303.]

## AN ACT

To extend, grade, macadamize, gravel and improve Williams avenue, in Columbia township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county are hereby authorized to grade, macadamize, gravel and improve Williams avenue, in Columbia township, in Hamilton county, Ohio, along the following route, to-wit: Thirty (30) feet in width on each side of the following described center

line, beginning at the intersection of Williams avenue and Duck Creek road, thence eastwardly on the section line between sections thirty-three (33) and thirty-four (34), and sections twenty-seven (27) and twenty-eight (28), Columbia township, a distance of three thousand feet, more or less, to the Cincinnati, Oakley and Madison avenue.

SECTION 2. To facilitate the construction of this improvement, the commissioners shall appoint three competent freeholders of said county as trustees, to supervise and direct said improvement, who shall act without compensation. Said trustees shall employ a skillful surveyor or civil engineer to assist them, under their directions and control, in said work of said extension and improvement, and shall survey and plainly mark out the lines of said extension and improvement, and obtain the right of way over any private property necessary for said extension and improvement, by dedication or agreement with the owners thereof, subject to the approval of the said commissioners.

SECTION 3. If said trustees should be unable to obtain the right of way over any of the private property necessary for said extension and improvement by dedication or agreement with the owners thereof, as above provided, they shall so report to the said commissioners, who shall immediately appoint three disinterested freeholders of the county as viewers, to view, determine and assess the compensation and damages for any property so appropriated for said extension and improvement not obtained by said trustees as above provided. The commissioners shall forthwith notify the viewers and the surveyor above provided for of the time and place of their meeting to make the view, and shall also give notice by publication in some newspaper published and of general circulation in said county, for three consecutive weeks prior to said meeting, which notice shall state the time and place of the meeting, the place of beginning of said improvement, the route thereof and place of termination, and the kind of improvement to be made.

SECTION 4. The viewers and surveyors shall meet at the time and place specified in the order of the commissioners, and shall take an oath faithfully and impartially to discharge the duties of their appointments, respectively. The viewers shall proceed to assess and determine the compensation to be paid in money for the property so appropriated to extend said avenue, without deduction for benefit to any property of the owner, and to assess and determine how much less valuable, if any, the land or premises from which such appropriation may be taken will be rendered by the extension and improvement of said avenue, but they shall not be required to assess damages or compensation to any person, except minors, idiots or lunatics, in consequence of the appropriation of any private property in the extending of said avenue and the making of said improvement, unless the owner thereof or his agent file a written application for the same with the viewers at or before said meeting, giving a description of the premises of which damages or compensation is claimed, and all applications for damages or compensation shall be barred unless they be presented as herein required, and said viewers shall report all compensation or damages so assessed and determined to the commissioners for approval, who may approve same or appoint three other disinterested freeholders as viewers, to make the view anew and report as in the first instance. Any person feeling aggrieved by the assessment of compensation or damages so made, after it has been approved by the commissioners, may, on notifying said commissioner[s] of his intention so to do, within ten days after their said approval of said assesment, appeal to the probate court of said

county where said damages or compensation shall be assessed by a jury, and the same proceedings there had as in cases of appeals as to compensation and damages in road cases, as provided in chapter four, title 7, part 2 of the Revised Statutes of Ohio; and the guardian of any minor, idiot or insane person may act for his ward, and all his acts shall be binding upon said ward.

SECTION 5. Said trustees shall establish the grade of said avenue, estimate the cost of improving the same by grading, macadamizing and graveling the roadway, constructing the necessary culverts and report the same to said commissioners, together with all expenses of every kind incurred in connection therewith.

SECTION 6. When said report of the trustees provided for in the preceding section is filed with the county commissioners they shall at once advertise for bids for ten consecutive days in a newspaper published and of general circulation in said county, for improving Williams avenue between the points named, by so grading, macadamizing, graveling and constructing the necessary culverts, and said commissioners shall award the contract to the lowest and best bidder.

SECTION 7. The construction of said improvement shall be made under the supervision of the said trustees, who shall report from time to time to the commissioners for their approval; and all the proceedings of said trustees shall be subject to the approval of said county commissioners, who are hereby given exclusive and complete jurisdiction of the said extension and improvement and the levy provided for in this act, and said commissioners are authorized to contract for and commence the extension and improvement of said Williams avenue, at any time after the passage of this act, in anticipation of said levy.

SECTION 8. The said commissioners, in addition to their other powers of taxation, are hereby authorized to levy and collect in the grand levy of taxes on the taxable property of said county on the duplicate for the year 1891, a tax of one-sixteenth of a mill on the dollar, to be credited to the "Williams avenue fund," and to be exclusively applied to the extension and improvement of said avenue as herewith provided, and no part of said fund shall be transferred to any other fund.

SECTION 9. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
404L

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[House Bill No. 1332.]

AN ACT

To amend section ten (10) of an act "Authorizing the leasing of certain lands in the county of Washington, granted for religious purposes," passed February 21, 1805 (vol. 3, page 200).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section ten (10) of an act authorizing the leasing of certain lands in the

inty of Washington, granted for religious purposes, passed February 1805, be amended so as to read as follows:

Sec. 10. That each denomination of religious societies, having mem- rs residing in Marietta township, in said county of Washington, shall entitled to participate in such ministerial fund, and each of them after suming a name, shall, annually, on or before the first day of May, ap- int a clerk or agent to receive its proper proportion, who shall file with e ministerial trustees a sworn certificate, containing a list of the names the members enrolled in the records of, and holding full membership such society, residing in such township, but no person shall be con- dered a member who is under twelve years of age, or who has not passed e period of probation, or who is not entitled to all the rights and priv- eges of full membership, or an actual communicant of such religious ciety or denomination; and the trustees at their said annual meeting all distribute said funds to the several societies applying by their clerks r agents and producing and filing such certificate, in proportion to the umber of their members, so ascertained as aforesaid, residing in said ownship, paying the same out of the clear profits, income and rents of aid fractional section number twenty-nine (29), in Marietta township, mong each and every religious society, which money shall be appropriated or religious purposes agreeably to the original grant.

SECTION 2. That said section 10 of said original act passed February 1, 1805, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
405L

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[House Bill No. 1447.]

AN ACT

To authorize the council of the village of Winton Place, in Hamilton county, Ohio, to issue and sell the bonds of said village, for the purpose of purchasing grounds and constructing thereon a town hall, council chamber, engine house and village prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Winton Place in the county of Hamilton, Ohio, be, and the said council is hereby authorized to issue the bonds of said village not exceeding in amount fifteen thousand dollars ($15,000) to sell the same and use the proceeds thereof in purchasing ground if in the judgment of said council the same is necessary and erect thereon such building or buildings as may be deemed necessary, for a town hall, council chamber, engine house and village prison.

SECTION 2. Said bonds shall be issued in such amounts and at such times, not exceeding in the aggregate fifteen thousand dollars and in such denominations and payable at such time or times as said council shall determine by ordinance. They shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall not be sold for less than the par value thereof; said bonds shall be signed by the

mayor, and countersigned by the clerk of said village, and shall be authenticated by the seal thereof.

SECTION 3. For the payment of said bonds and interest thereon said council shall levy a tax, in addition to the amount otherwise authorized by law, every year during the period the bonds have to run, sufficient in amount each year to pay the said bonds and the interest thereon as they may become due.

SECTION 4. When the total amount of said bonds so to be issued in pursuance hereof shall have been determined by said council, and before any bonds are issued or tax levied as provided by this act, the question of issuing the bonds shall be submitted to the qualified electors of said village, at an election to be held at such time after the passage of this act, as the council may determine, and ten days' notice of said election and submission shall be given by the mayor of said village, by posting said notice in at least five of the most public places in said village; said notices shall state the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if the majority of the electors voting at such election upon the question of issuing the bonds, vote in favor thereof, then the bonds may be issued and the tax levied. Those voting in favor of the proposition shall have written or printed on their ballots the words, "Issue of town hall bonds—Yes," and those voting against the same, the words, "Issue of town hall bonds—No."

SECTION 5. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections and the clerks and judges of said election shall certify to the council of said village the result of the same. If a majority of the electors voting on the said proposition at said election, as provided for in section 4 of this act, vote in favor of same, the council shall proceed to advertise and sell said bonds in manner as provided for by law, for the sale of municipal bonds.

SECTION 6. For the purpose of carrying out the provisions of this act the council and the clerk, and other officers of said village, shall be exempt from the provisions of section 2702 of the Revised Statutes of Ohio, as amended April 18, 1883.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
406L

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[House Bill No. 1448.]

AN ACT

To authorize the village council of the incorporated village of Winton Place, Hamilton county, Ohio, to issue bonds and levy a tax for the purpose of providing said village with a system of public water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Winton Place, Hamilton

ity, Ohio, be and the same is hereby authorized to issue the bonds of village in an aggregate sum not exceeding twenty thousand dollars ,000), bearing interest at a rate not exceeding six per centum per nm from date of issue (said interest payable semi-annually), for the ose of providing said village with a system of public water-works.

SECTION 2. Said bonds shall be signed by the mayor of said village countersigned by the clerk thereof and shall be authenticated by the thereof. They shall not be sold for less than their par value, and l be issued at such times and in such amounts and mature at such s respectively, as the council of said village shall determine by ordice. Said village council is hereby authorized to levy a tax in addition ne amount otherwise ordered by law every year during the period said ds have to run upon all the taxable property of said village, sufficient mount to pay the said bonds and the interest thereon as the same become due.

SECTION 3. The funds realized from the sale of said bonds shall be d by the council of said village for the purpose of purchasing the neces- grounds, and constructing, paying for, and maintaining water-works said village, which water-works when completed, shall be used, oper- d and controlled in such manner as may be prescribed by law, and the inances of said village enacted in conformity therewith.

SECTION 4. When the total amount of said bonds so to be issued in suance hereof shall have been determined by said council, and before bonds are issued or tax levied as provided by this act, the question of ing the bonds shall be submitted to the qualified electors of said vil-, at an election to be held at such time after the passage of this act as council may determine, and ten days' notice of said election and submission shall be given by the mayor of said village by posting said notice at least five of the most public places in said village. Said notices shall te the amount of bonds to be issued, the purpose for which they are to issued, and the time and place of holding the election; and if the jority of the electors voting at such election upon the question of issug the bonds, vote in favor thereof, then the bonds may be issued and the x levied. Those voting in favor of the proposition shall have written printed on their ballots the words, "Issue of water-works bonds—Yes," d those voting against the same, the words, "Issue of water-works nds—No."

SECTION 5. Said election shall be held and conducted in the same anner as is now provided by law for holding municipal elections, and e clerks and judges of said election shall certify to the council of said llage the result of the same. If a majority of the electors voting on the id proposition at said election, as provided for in section 4 of this act, te in favor of same, the council shall proceed to advertise and sell said nds, in manner as provided for by law, for the sale of municipal bonds.

SECTION 6. For the purpose of carrying out the provisions of this t the council and the clerk and other officers of said village shall be xempt from the provisions of section 2702 of the Revised Statutes of hio, as amended April 18, 1883.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
407L

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[House Bill No. 1466.]

AN ACT

To authorize the commissioners of Franklin county to construct a bridge across Big Walnut creek.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the board of commissioners of Franklin county, Ohio, be and they are hereby authorized and empowered to construct a bridge across Big Walnut creek, on a line between the townships of Mifflin and Jefferson in Franklin county, together with the proper and necessary approaches thereto, at a cost not to exceed the sum of twelve thousand dollars; and in the exercise of their powers, and the performance of their duties in that behalf they shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expense of constructing such bridge with the proper and necessary approaches thereto, said commissioners are hereby authorized and empowered to issue and sell bonds of said Franklin county at not less than their par value, in sums of not less than five hundred dollars each, bearing interest at a rate not to exceed six per cent. per annum payable semi-annually, and not to exceed in the aggregate the sum of twelve thousand dollars ($12,000.00); and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
408L

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[House Bill No. 1528.]

AN ACT

To authorize the commissioners of Sandusky county, Ohio, to build a court-house, to levy a tax and to issue and sell bonds for the purpose of raising money to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the commissioners of Sandusky county, Ohio, are hereby authorized to

rect a court-house at a cost not to exceed one hundred and fifty thousand dollars.

SECTION 2. The commissioners of said county, for the purpose of building said court-house, may borrow such sum or sums of money as they may deem necessary, at a rate of interest not to exceed five per cent. per annum, and issue the bonds of said county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually, each six months after date of issue at the county treasury, or in the city of New York, at the discretion of the county commissioners, and the principal shall be paid at such times as the commissioners prescribe, within not exceeding twenty years from the date of such indebtedness; said bonds to be sold for not less than their par value; but the first payment of interest on any such bonds shall be for such portion of the six months as shall have elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter; the aggregate sum of the bonds so issued shall not exceed the amount fixed in the first section of this act.

SECTION 3. The bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with coupons attached, in sums not less than one hundred nor more than one thousand dollars each, payable to the bearer, at the county treasury or in the city of New York, at the discretion of the county commissioners, with interest as aforesaid, at such times as may be therein specified, not exceeding twenty years after date, as the commissioners may prescribe, and such bonds shall specify distinctly the object for which they were issued.

SECTION 4. The commissioners shall, annually, at their June session, levy such amount of taxes as shall pay the interest of such indebtedness, and not less than one-twentieth of the principal.

SECTION 5. That so much of sections number seven hundred and ninety-four, seven hundred and ninety-five, seven hundred and ninety-seven, seven hundred and ninety-eight, seven hundred and ninety-nine, seven hundred and ninety-nine *a*, eight hundred, eight hundred and one, eight hundred and two, eight hundred and three, nine thousand four hundred and thirty-seven of the Revised Statutes of Ohio, now in force relating to the erection of a court-house or other public buildings, in the sale of bonds therefor by any board of commissioners not inconsistent or in any way in conflict with the provisions of this act, shall apply fully to the erection of the building herein authorized and the sale of the bonds therefor.

SECTION 6. Before borrowing the money, levying the tax, or issuing the bonds provided for in the foregoing sections of this act, said county commissioners shall submit the question of issuing said bonds to the qualified electors of said county at the next regular fall or spring election occurring after the passage of this act, or at a special election to be held for the purpose, within one year from the date of the passage of this act, notice of the submission of said question and of such election shall be given by publication in two newspapers of opposite politics published in and having a general circulation in said county, for three weeks preceding said election, and by posting notices in three of the most public places in each township of said county at least twenty days prior to said election. Said notice shall specify the object for which said election is held, the amount of bonds proposed to be issued, and the rate of interest they are to draw. The tickets voted at said election shall have written

or printed thereon the words: "For issue of new court-house bonds—Yes;" or "For issue of new court-house bonds—No." If the proposition to issue such bonds is approved and voted for by a majority of the voters voting at said election said county commissioners shall have authority to issue the bonds and levy the tax as provided in this act, and not otherwise.

SECTION 7. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
409L

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[House Bill No. 1537.]

AN ACT

To amend an act entitled "An act to divide 'Little Muskingum precinct,' in Marietta township, Washington county, into two election precincts," passed April 6, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act, passed April 6, 1878 (vol. 75, page 1,101), be amended so as to read as follows:

Sec. 1. That "Little Muskingum precint," in the township of Marietta, Washington county, be and the same is hereby divided into two election precincts for all state, county and township purposes, one of which precincts shall be known as "Fultonburgh precinct," and shall consist of the following described territory, to-wit: Commencing at the easterly corporation line of the city of Marietta on the Ohio river; thence up said river to the mouth of Duck creek; thence up said creek to the south line of section 23 in said Marietta township; thence due east to the south-east corner of section 5 in said township; thence north on the east line of said township to the north-east corner of the same, thence west on the north line of said township to the line of Muskingum township; thence south on the township line between Marietta and Muskingum townships, to the corporation line of the city of Marietta; thence by the easterly corporation line of said city of Marietta to the place of beginning on the Ohio river.

Sec. 2. All that portion of "Little Muskingum precinct" in Marietta township not included in section one of this act, shall constitute the other election precinct, and shall be known as "Little Muskingum precinct." The voting places in each of said precincts shall be at such places therein as the trustees of said Marietta township, Washington county, Ohio, may designate.

SECTION 2. That said original act passed April 6, 1878, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
410L

[House Bill No. 1630.]

AN ACT

To create a special road district in Seneca county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Thompson in Seneca county, be and the same is hereby constituted and made a separate and independent road district, for the purpose of macadamizing, working, repairing and improving the roads and highways in said township as herein set forth and for no other purpose, independent of and free from the operation of existing laws relating to the improvement of roads and highways, and of all other laws not consistent or in harmony with the provisions of this act.

SECTION 2. That after the year 1891 road supervisors, for the districts into which said township has heretofore been divided, shall not be elected or appointed in said township.

SECTION 3. That at the April election in the year 1892, and each year thereafter, there shall be elected in said township an officer to be known as road commissioner of said township, for the period of one year and until his successor is elected and qualified, and the township trustees may fill any vacancy in said office for the unexpired term; such road commissioners, whether elected or appointed, shall give bond to said township for such sum as such trustees may fix, with sureties to the approval of said trustees, conditioned for the honest and faithful discharge and performance of all and singular the duties of their office, and shall take an oath of office, and such road commissioners so elected or appointed to fill a vacancy may, subject to the approval of said trustees, and when they find there is an actual necessity therefor, appoint one or more deputies who shall give bond and take an oath the same as the road commissioner, and he shall exercise the same powers and perform the same duties as the road commissioner lawfully might, and such road commissioner including such deputy, shall be allowed and paid out of the general fund of the township or the road fund, on the allowance and approval of the township trustees, one dollar and seventy-five cents per day for each full day actually and necessarily devoted to the performance of his official duties as herein set forth; and the amount due for such services shall be settled and paid each month, and the road commissioner shall, and also his deputies in presenting a claim for services, make a full itemized statement of such services to the satisfaction of the trustees and make oath to the same, and the trustees shall allow only so much thereof as is just and right.

SECTION 4. That no person shall be compelled to work out his poll-tax outside of any of the present road districts in said township as now constituted, in which he may reside at the time he should work the same out, but he shall work the same out or pay therefor the same as now provided by law; and as to such poll-tax said road commissioner shall perform all the duties and exercise all the powers now pertaining to the office of road supervisor; provided, that if a person so elects, he shall be permitted to work out such poll-tax under the direction of the road commissioner at the time fixed by him, on any of the improvements being constructed under the provisions of this act, and any money collected for the non-payment of any poll-tax shall be paid into the township treasury and may be expended on any such improvements.

SECTION 5. That the township trustees of said township are hereby authorized to improve and cause to be improved, the roads in said township that are state or county roads, by causing the same to be opened up the full legal original width, drained, graded, scraped, leveled, macadamized or stoned, and otherwise improved as they deem necessary and proper, and shall have authority for that purpose each year to cause all necessary surveys and levels to be made, and all necessary plans and specifications to be prepared, and shall, each year, at as early a day as may be, after the April election and the qualifying of the trustee elected thereat, determine what road improvement they will make for that year, and where said improvements shall be commenced and prosecuted so as to do the greatest general public good, for the inhabitants of said township; and for the purpose of making the improvements hereby authorized said township trustees, including the tax for roads now authorized by law, are authorized to levy and assess, annually, a tax of not to exceed three mills on the dollar on all the taxable property in said township; said levy to be made and certified the same as other township levies, and the tax shall be collected and paid over the same as taxes in other cases; and all road taxes levied in said township shall be payable in money, except as herein provided, and when collected and received shall constitute the township road fund and shall be used wholly in making the improvements hereby authorized and in repairing the roads of said township; and all money realized from such tax, as well as all money realized from the poll-tax, shall be placed to the credit of said fund; provided, that one-half of the road tax levied may be paid in labor to be performed at such place or places and times as the township trustees may direct from time to time in the repair of roads or in the making of said improvements, and to be done under the direction and control of said road commissioner, and for that purpose his certificate to the extent of the labor actually performed, not to exceed the amount of the tax that might lawfully be paid in labor, shall have the same force and effect as the certificate of road supervisors in other cases, but laborers shall not be credited with more than $1.50 each for a full day, and for a man and team there shall not be credited more than $2.50 for a full day on said taxes.

SECTION 6. That for the purpose of making said improvements, the township trustees shall have power to purchase the necessary implements, machinery, appliances and stone, and purchase or lease the necessary stone quarries, and pay for the same out of said fund or the general fund of such township as they deem best, but the aggregate expenditure under this section in the year 1892 shall not exceed $1,000.00, nor in any year thereafter more than $300 00.

SECTION 7. That said improvements shall be made under the personal direction and supervision of the road commissioners, subject to the orders and control of the township trustees and as directed by them, and no money shall be disbursed until the claim is first approved by the trustees and by them ordered to be paid; and a full and complete settlement shall be made by the road commissioner with the trustees at their regular September and March meetings, and he shall truly account for and pay over all moneys received by him the same as is required of road supervisors. The road commissioner shall faithfully execute and perform all lawful orders and directions of the trustees, and shall exercise all the powers and perform all the duties of road supervisors not inconsistent with the provisions of this act; but such road commissioner shall not disburse any of the public moneys coming into his hands, but shall

promptly on receipt of the same pay the same into the township treasury, and all orders drawn on the township treasurer, payable out of said fund or for or on account of any of the purchases herein authorized shall be payable to the order of the person in whose favor the claim is allowed. The road commissioner shall have authority to employ persons and teams necessary to do the work directed by the trustees to be done, at prices not to exceed the amount or rate fixed by them; provided, however, he shall make diligent effort to secure so much of the taxes as are payable in labor to be worked out, and it shall be the duty of all persons liable to work out or pay their poll-tax or road tax, to respond to the call of the road commissioner, the same as is provided by law in reference to road supervisors, and the same penalties shall attach to any failure so to do; and it shall be the duty of all persons liable to pay any road tax to work the same out to the extent herein provided as directed by the road commissioner, and to pay the balance, and the same penalties shall attach to any failure so to do as is provided in other cases of such failure concerning road taxes. The trustees of such township may maintain an action in their own name against any person failing to perform such labor or to pay any of said taxes, for the amount due together with any and all penalties provided by law in other like cases for such default. The county treasurer shall pay to said township all the road tax collected for said township without any deduction.

SECTION 8. That before this act shall be operative in said township, the questions hereby involved shall be submitted by the trustees to the qualified electors of said township, at a general or special election prior to the April election, in the year 1892, ten days notice of which shall be given the same as for township elections and those favoring said proposition shall have written or printed on their ballots, "Township road improvement—Yes," and those opposed "Township road improvement—No;" and if a majority of all the electors voting on said proposition vote in favor thereof then this act shall at once go into operation and be in full force and effect in said township, otherwise the same shall not, but shall not affect the year 1891 in any respect.

SECTION 9. This act shall take effect and be in force from and after May 1, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
411L

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[House Bill No. 1756.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for macadamizing and improving a certain county road, to be known as the Silverton and Carthage road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect, in addition to the tax as now authorized by law to be levied in said county upon the grand levy of all the taxable property in said county, a tax of one-tenth ($\frac{1}{10}$) of one mill on each and every dollar of the valuation thereof; one-half of which shall be assessed and

collected on the tax duplicate of said county for the year 1891, and the remainder on the tax duplicate of 1892, the funds arising from said tax to be applied under the direction of the commissioners of said county to the improving by grading, bridging, macadamizing and graveling of the said county road, to be known and designated as the Silverton and Carthage road, said road beginning at the Montgomery turnpike at Silverton in Columbia township, thence running north to the township line between Sycamore and Columbia townships; thence west with said township line to the Lebanon turnpike. The length of said road being three and one-eighth miles.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
412L

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[House Bill No. 1766.]

AN ACT

To authorize the county commissioners of Muskingum county, Ohio, to buy a certain turnpike and maintain the same as a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Muskingum county, Ohio, be and they are hereby authorized to purchase at a price not to exceed three hundred dollars a mile, so much of the Zanesville and Maysville turnpike as is situate in the said county of Muskingum, to-wit: Extending from the terminus of said turnpike road at or in the city of Zanesville to the boundary line separating the counties of Perry and Muskingum; provided, however, that the said county commissioners shall first determine that said purchase shall be of advantage and benefit to the said county of Muskingum, and provided, further, that the purchase price of said turnpike road, if bought, shall be paid out of the general county fund of said Muskingum county, and that said county commissioners shall not be held to be authorized, for the purposes aforesaid, to levy any further or other tax in addition to that now authorized by law.

SECTION 2. If said turnpike road shall be so purchased, then the board of commissioners of said county shall thereafter keep the same in a good state of repair as a free turnpike.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
413L

[House Bill No. 1768.]

AN ACT

To authorize the council of the incorporated village of Ottawa, Putnam county, Ohio, to invest certain funds.

WHEREAS, The council of the incorporated village of Ottawa, Putnam county, Ohio, about one year ago sold and disposed of the bonds of said village in the sum of $25,000.00 for the purposes of developing and piping natural gas for the use of said village; and

WHEREAS, In such development they have spent the sum of $10,000.00 and there remains of said funds in the hands of said council the sum of $15,000.00 which said sum is bearing interest and the bonds therefor are not payable for about twenty years and it is deemed by said council and citizens of said village that farther prosecution and expenditure of funds for gas purposes is useless; and

WHEREAS, Said council desires to so invest said fund as to bring a revenue equal to the interest they are now paying upon their bonds; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Ottawa, Putnam county, Ohio, be and the same is hereby authorized to invest the said sum of $15,000.00 in the name of said village in other [either] United States, state, county, school or municipal bonds issued within the state of Ohio. Said investments to be made by two-thirds vote of the council and subject to approval by the mayor.

SECTION 2. That said bonds shall be taken in the name of "the incorporated village of Ottawa, Ohio," and the same shall in no wise be subject to taxation. They shall be held for the use and benefit of said village and any and all funds arising by reason of the investment or the payment of the investment as aforesaid, shall be to the credit of the "natural gas fund" of said village, and shall only be used to pay off the principal and interest of the "natural gas or refunding bonds" heretofore issued by said village, and at no time shall said funds be applied for any other purpose, but any surplus arising from the provision of this act may from time to time be by said council invested as herein provided.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
414L

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[House Bill No. 1769.]

AN ACT

To authorize the council of the incorporated village of Gilboa, Putnam county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Gilboa, Putnam county, Ohio, be

and the same is hereby authorized to transfer a sum not exceeding four hundred dollars from the police fund of said village to the street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
415L

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[House Bill No. 1778.]

AN ACT

To authorize the board of education of Greene township, Wayne county, Ohio, to transfer certain funds and to issue bonds for the purpose of building a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Greene township, Wayne county, Ohio, be and they are hereby authorized and empowered to transfer two thousand dollars ($2,000) from the tuition fund to the school-house building fund of said township.

SECTION 2. That the board of education of said township be, and it is hereby authorized to borrow any sum of money not exceeding four thousand dollars ($4,000) for the purpose of building a public school-house in school sub-district No. 4 of said Greene township.

SECTION 3. That for the purpose aforesaid, said board of education is hereby authorized to issue bonds not exceeding four thousand dollars in amount, bearing interest from date of issue at not exceeding six per cent. per annum, interest payable semi-annually, and payable at such time or times, not exceeding four years from the date thereof, as such board may determine; said bonds to be signed by the president and attested by the secretary of said board, and not to be sold for less than their par value, at public or private sale, as said board may determine.

SECTION 4. Said board shall, annually, after the issue of said bonds, cause to be assessed, and the auditor of said county shall place on the duplicate of said county, on the taxable property of said township, the taxes necessary to pay the interest on said bonds semi-annually, and the principal thereof as the same shall become due, in addition to the taxes now allowed by law in said township, which tax shall be collected by the treasurer of said county, in the same manner as other taxes levied by said board of education.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
416L

[House Bill No. 1781.]

AN ACT

To authorize the village council of the village of Corning, Perry county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Corning, Perry county, Ohio, be and is hereby authorized to transfer the following sums of money: Five hundred dollars from the police fund and three hundred dollars from the fire fund to the general fund.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
417L

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[House Bill No. 1783.]

AN ACT

To authorize the trustees of Falls township, Hocking county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Falls township, Hocking county, Ohio, be and they are hereby authorized to transfer the sum of five hundred dollars from the road fund to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
418L

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[House Bill No. 1784.]

AN ACT

To repeal an act entitled "An act to divide Marion township, Henry county, Ohio, into two election precincts," passed March 26, 1890 (O. L. vol. 87, page 481).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to divide Marion township, Henry county, Ohio, into two election precincts," passed March 26, 1890, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
419L

[House Bill No. 1786.]

AN ACT

To authorize the township trustees of German township, Darke county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of German township, Darke county, Ohio, be and they are hereby authorized and empowered to transfer from the township fund of said township any sums not exceeding the following amounts, viz: Two hundred and seventy dollars to the road fund, two hundred and eighty dollars to the poor fund, and twenty-five dollars to the ditch fund.

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 25, 1891.
420L

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[Senate Bill No. 692.]

AN ACT

To authorize the village council of the incorporated village of Sylvania, Lucas county, Ohio, to transfer funds.

WHEREAS, The incorporated village of Sylvania, Lucas county, Ohio, now has a surplus of over $300 in the general fund of said village and which is not needed for the purposes for which the same was levied; and

WHEREAS, The school limits of the Sylvania special school district of Lucas county, Ohio, is [are] the same as those of said incorporated village; and

WHEREAS, Said school district requires additional funds for the continuance of its schools; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Sylvania in Lucas county, Ohio, be and the same is hereby authorized to transfer the sum of $300.00 from the general fund of said village to the tuition fund of the Sylvania special school district in said Lucas county, Ohio.

SECTION 2. That for the purpose of complying with the provisions of section one of this act, the clerk of said incorporated village of Sylvania is hereby authorized and directed to draw his warrant upon the treasurer of said village in the sum of $300.00 and to make the same payable and deliver the same to the treasurer of the Sylvania special school district in said Lucas county, Ohio, who shall upon receiving the same, pass said funds to the credit of the tuition fund of said special school district.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 27, 1891.
421L

[Senate Bill No. 693.]

AN ACT

To authorize the trustees of Washington township, Shelby county, to transfer funds from the township fund to the cemetery fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Washington township, Shelby county, be and are hereby authorized to transfer one hundred and fifty dollars from the township fund to the cemetery fund.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 27, 1891.
422L

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[Senate Bill No. 523.]

AN ACT

To authorize the county commissioners of Hamilton county to levy a tax for improving, grading and macadamizing the road known as Kennedy avenue in Columbia township, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to assess and collect upon the general levy of all the taxable property of said Hamilton county, a tax of not less than one-fifteenth of a mill, and not more than one-tenth of a mill on the dollar valuation thereon for the years 1891 and 1892; one-half of which shall be placed on the tax duplicate for the year 1891, and the remainder on the tax duplicate for 1892, which shall be applied by and under the direction of said county commissioners in improving, grading and macadamizing Kennedy avenue, which extends from a point on the Montgomery pike, in section 24 of Columbia township, to the Pleasant Ridge and Madisonville road; said Kennedy avenue being about three-quarters of a mile in length, more or less, and all in Columbia township.

SECTION 2. The said Kennedy avenue so improved, graded and macadamized, shall have a width of not less than fifty feet throughout its entire extent.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
423L

[Senate Bill No. 545.]

AN ACT

To authorize the transfer of school property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Circleville city school district, be and is hereby authorized and empowered to lease or transfer the school property in said city, known as the "Ohio state building," unoccupied for school purposes for several years upon such conditions as said board of education may prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
24L

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[Senate Bill No. 550.]

AN ACT

To authorize the county commissioners of Hamilton county to levy a tax for improving, grading and macadamizing the road known as Yononte road, in Columbia township in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That he commissioners of Hamilton county be and they are hereby authorized to assess and collect, upon the general levy of all the taxable property of said Hamilton county, a tax of not less than one-sixteenth of a mill or more than one-fifteenth of a mill on the dollar valuation thereon for the years 1891 and 1892, one-half of which shall be placed on the tax duplicate for the year 1891, and the remainder on the tax duplicate for the year 1892, which shall be applied by and under the direction of said county commissioners in improving, grading and macadamizing Yononte road, which lies between a point on the north line of section twenty-three of Columbia township where Kennedy avenue intersects the Pleasant Ridge and Madisonville road, to a point on the south line of said section where the Wacker and Stoegemiller road intersects the Duck Creek road; said Yononte road being about one mile and a half in length, more or less, and all in Columbia township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
425L

[Senate Bill No. 682.]

AN ACT

To authorize the county commissioners of Franklin county, Ohio, to levy a tax for grading and improving the roadway, sidewalking and curbing of the county road leading from the west corporation line at north Columbus to the front gate of Union cemetery in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Franklin county, Ohio, be, and they are hereby authorized and empowered to levy a tax of not to exceed one-tenth of a mill for the year 1891, and not to exceed one-twentieth of a mill for the year 1892, on the taxable property of said county, for the purpose of grading and improving the roadway, sidewalking and curbing of the county road leading west from the west corporation line of the city of Columbus at north Columbus (and known as the Jacob Slyh road, laid out in 1858 by the county commissioners at their September session), to a road known as the Delaware state road, and thence northwardly for the improvement in the same manner of the said last named road to the entrance to Union cemetery, in said county; the said improved road to be of the uniform width of sixty feet from said west corporation line to said entrance to Union cemetery, as said roads were originally established.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
426L

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[Senate Bill No. 689.]

AN ACT

To amend an act passed April 16, 1891, entitled "An act supplemental to an act passed, March 25th, 1890, entitled 'an act to create a special road district of Pultney township, Belmont county, Ohio, and to authorize the commissioners of said county to locate, grade and improve certain roads and provide for the payment thereof by a special tax.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said act passed April 16, 1891, be amended so as to read as follows:

Sec. 1. In all cases where parties are dissatisfied with the allowance made by the viewers as compensation or damages, and the awards so made have not yet been received by them from the county treasury, an appeal may be had to the probate court as provided in cases arising under chapter eight of title seven of the Revised Statutes; and such appeal may be taken at any time before the final completion of said improvement. Provided, that in all cases of appeal, the commissioners of said county be made party defendant, and shall appear and defend in all such appeals for and on behalf of said road district, and in all cases of appeal arising under this act, like proceedings shall be had in the probate court, as in cases arising under said chapter 8, title 7; and in cases above provided, where transcripts have been filed in the probate court heretofore, the court

shall docket them making the commissioners party defendant as herein set forth, and such cases shall proceed in like manner as upon the transcripts hereafter filed. The provisions of this act shall also apply to litigation now pending under the said act passed March 25, 1890, to which this is additional and supplementary.

SECTION 2. The original act passed April 16, 1891, is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
427L

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[Senate Bill No. 694.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Grafton, Lorain county, O., be and are hereby authorized to transfer from the general fund of said village the sum of ($100) one hundred dollars to the road fund.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
428L

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[Senate Bill No. 695.]

AN ACT

To authorize the village council of the incorporated village of Coshocton, Ohio, to purchase additional cemetery grounds and to issue and sell bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Coshocton, Ohio, be and the same is hereby authorized to purchase additional cemetery grounds for said village.

SECTION 2. The council of said village is hereby authorized to issue bonds therefor not exceeding in amount the sum of six thousand dollars to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, said bonds to be for such amounts, and for such time as said council may deem best for the interest of said village.

SECTION 3. For the payment of the principal and interest of said bonds as the same may become due, the council of said village are hereby authorized and required to levy a tax upon all taxable property within the corporate limits of said village, in such amounts as will each year meet the principal and interest then falling due upon said bonds.

SECTION 4. This act shall take effect and be in force from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
429L

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[Senate Bill No. 697.]

AN ACT

To levy a special tax for school purposes for the special school district of the village of Swanton, Fulton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the special school district of the village of Swanton, Fulton county, Ohio, be and the same are hereby authorized to levy three (3) mills extra for school purposes on all the taxable property of said special school district above the amount provided by the statute of the state of Ohio.

SECTION 2. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
430L

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[House Bill No. 1431.]

AN ACT

To authorize the council of the village of Wauseon, Fulton county, Ohio, to issue bonds of said village, for the purpose of providing said village with natural gas for fuel and light.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Wauseon, Fulton county, Ohio, be, and the same is hereby authorized to issue the bonds of said village in any sum not exceeding ten thousand dollars, bearing interest at a rate not exceeding six per cent. per annum from date of issue, payable semi-annually, for the purpose of providing said village with natural gas for fuel and light.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk of said village. Said bonds shall not be sold for less than their par value, and shall be issued in such amounts, as will in the judgment of the council best subserve the negotiation and sale thereof. The principal of said bonds shall be payable at such times as the council of said village may determine by ordinance, within a period not exceeding twenty years. And said village council is hereby authorized

to levy a tax upon all the taxable property of said village, to pay said bonds and interest, not exceeding five mills on the dollar in any one year.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village, for the purpose of prospecting, leasing lands, boring and sinking wells, and supplying said village of Wauseon, with natural gas for light and fuel.

SECTION 4. Should natural gas be found by the expenditure of said money, sufficient in the judgment of the council aforesaid, for the purposes herein named, said council shall have the power of utilizing said gas by leasing the same to any responsible person or persons, or any responsible company or corporation for the purpose herein named.

SECTION 5. Should oil or any valuable minerals, or any other valuable substances be found in lieu of gas, then in that case the council aforesaid, shall have the same power to utilize the same in the interest of the village of Wauseon, aforesaid as if gas alone were found, and shall have the power to sell or lease the same, to any responsible person or persons, company or corporation.

SECTION 6. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such incorporated village, at a regular or special election, to be held at the usual places of voting in said incorporated village, and at such times as the council may determine. The tickets to be voted at such election shall have written or printed thereon, "Authority to issue bonds—Yes," "Authority to issue bonds—No." If the proposition to issue bonds be approved by a majority of those voting thereon at such election, then said council may issue and sell said bonds for the purposes named, and as provided in this act. Notice of such election shall be published in at least two newspapers published or circulating in said incorporated village for not less than ten days prior to such election which said election shall in all respects be managed and conducted as other municipal elections are or may be required by law to be managed and conducted in any such incorporated village.

SECTION 7. The council of the village of Wauseon aforesaid, shall have the power to provide all the needed legislation, by ordinance, for the carrying of the provisions of this act into effect.

SECTION 8. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
431L

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[House Bill No. 1552.]

AN ACT

To amend an act entitled "An act to authorize the commissioners of Henry county to improve the roads of said county," passed March 24th, 1886 (O. L., vol. 83, p. 279).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be so amended as to read as follows:

Sec. 1. That the board of commissioners of Henry county, Ohio, be and hereby are authorized and empowered to improve by grading, draining and graveling, or macadamizing, or both, any state or county road, or part thereof, within the said county, and to levy therefor a tax on all the taxable property of said county, or any township thereof, listed on the general duplicate for taxation, not to exceed in any one year seven mills, in manner and upon conditions hereinafter specified and prescribed.

Sec. 2. The roads improved under the provisions of this act shall be not more than sixty nor less than thirty feet wide, shall be so graded as to drain freely to the sides, and the macadamizing or graveling, or both, when completed, shall be not less than ten nor more than eighteen feet in width, nor less than ten inches thick in the center, nor less than six inches thick at the sides; the roads shall be provided with all necessary side-drains and other ditches providing an outlet for the drainage of the road-bed, and when the commissionersh ave determined upon the improvement of any road or part of road under this act they are hereby empowered and authorized, upon their own motion, without petition, to change the width or location of such road when in their opinion the change will be an improvement of the road, or necessary for the more complete drainage thereof; and they may agree with the owner or owners of any lands required for such change upon the amount of compensation and damages to be paid therefor, and when such lands are owned by minors or other persons under guardianship, such agreement may be made with the guardian of such wards, subject to the approval of the probate judge; and in case they are unable so to agree, the commissioners may appropriate the same, and for such purpose they shall make application in writing to the probate judge of said county, and thereupon the same proceedings shall be had as provided for the appropriation of private property by municipal corporations as far as applicable, and in all such cases wherein the commissioners, before making such application, have offered to allow and pay such owners compensation and damages, and the amount returned by the jury does not exceed the amount so offered by said commissioners, the costs of such proceedings so far as they relate to such owner and his lands shall be adjudged against him.

Sec. 3. For the purpose of paying for said roads or parts of roads, said commissioners may issue bonds, payable at such times and in such amounts as will be, as near as practicable, equal to the annual collection of taxes levied for that purpose, which bonds shall bear interest not exceeding six per centum, payable semi-annually, at such places as the commissioners shall determine; but no bond shall extend beyond a period of fifteen years after its issue, and shall not be sold for less than par value.

Sec. 4. If any person or persons shall desire to raise any sum of money by subscription for the purpose of assisting in the improvement or construction of any road or part of a road, in any township or townships in said county, under the provisions of this act, such person or persons shall subscribe any amount and designate in such subscription the road or part of road for which the subscription is made, and such subscription shall be filed with the commissioners of said county at any regular or called session, and the commissioners shall, if they deem the construction or improvement thereof proper and expedient, file such subscription list with the county auditor; and such subscription shall be payable to the county treasurer upon the warrant of the county auditor within a time to be thereafter fixed by the commissioners; and when due and unpaid the said auditor shall place the same upon the general tax duplicate of said county against the real estate of such subscriber or subscribers, situate in

the township in which said road or part of road is located, and the same shall be a lien on said real estate, and may be made payable in installments, and with such other regulations as the commissioners may prescribe, and shall be collected the same as taxes; and any subscription by persons not residing within the township in which such improvement is made, and not owning real estate in such township may be collected by civil action in the name of the board of county commissioners of said county, in any court having jurisdiction of the amount for which suit is brought.

SECTION 5. The money raised by the issue of bonds or by subscription shall be expended under the direction of said county commissioners, in such manner as shall seem to them most advantageous to the interest of such township or townships as hereinafter provided, for graveling, macadamizing or for the construction or improvement of such highways of said township or townships as have been selected for improvement.

SECTION 6. Before the commissioners shall make any levy under this act there shall be presented to them a request in writing, signed by not less than fifty resident freeholders of any township in which it is proposed to levy such tax, and the said commissioners shall then submit the question of accepting or rejecting the provisions of this act, to the qualified electors of such township at a regular election, after giving at least ten days notice thereof by posting in ten of the most public places in said township written or printed notices. The tickets to be voted at any election at which such question shall be submitted shall have written or printed thereon the words "Road improvement—Yes;" or "Road improvement—No;" and returns of such election shall be made by the officers thereof within five days to the county commissioners.

SECTION 7. The township or townships in which, at any election held under the provisions of this act, there shall be a majority of all the lawful votes cast on the question, "against road improvements," shall be exempt from the operation of this act, and this act shall be confined in its operations to the township or townships only in which a majority of the lawful votes cast on the question shall be in favor of road improvement. And the levy to pay the bonds issued as aforesaid shall be made only in the township or townships accepting the provisions of this act, the levy in each township being made to pay for the construction of the roads located therein, and no levy shall be made in any township not so affirmatively voting.

SECTION 8. If at any time after ninety (90) days from any election which shall be held under the provisions of this act, fifty or more resident freeholders of any township shall, by written notice to the county commissioners, request an election to be held within such township for the purpose of voting upon the question of accepting or rejecting the provisions of this act, the county commissioners shall, at least ten days before the next general election, proceed to give notice of such election, as is provided in section six of this act, which election shall be held and returns thereof made in the same manner as is prescribed in said section six.

SECTION 9. That said original act be and the same is hereby repealed

SECTION 10. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
432L

[House Bill No. 1717.]

AN ACT

To authorize the council of the incorporated village of Mount Washington, Hamilton county, Ohio, to issue bonds for the purpose of purchasing a site and erecting thereon a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Mount Washington, Hamilton county, Ohio, be and it is hereby authorized to borrow not to exceed ten thousand dollars ($10.000.00) for the purpose of purchasing a site and erecting thereon a town hall, as said council may direct.

SECTION 2. That for the purpose aforesaid the said council is hereby authorized to issue bonds not exceeding ten thousand dollars ($10,000.00) to be signed by the mayor of said village and attested by the clerk thereof in sums not less than one hundred dollars ($100) each, bearing interest at a rate not to exceed 5% per annum, payable semi-annually; said bonds to be payable at such time or times not exceeding twenty (20) years from the respective dates thereof as may be determined by said village council. Said bonds shall not be sold for less than the par value thereof and shall have interest coupons thereto attached.

SECTION 3. And the council of said village is hereby authorized to levy a tax annually on all the taxable property of said village to pay the interest on said bonds and to provide by a sinking fund or otherwise until the principal of said bonds is fully paid, and such levy shall be placed on the tax duplicate by the auditor of Hamilton county and collected as other taxes; and to effect this purpose if necessary such levy shall be made in addition to other tax levies authorized by law.

SECTION 4. Before such loan is made or said bonds are issued the question of such loan or issuing said bonds shall be submitted to a vote of the qualified electors of said village at any municipal or general election or at a special election that may be called for that purpose by said village council, of which election ten days' notice shall be given by publication in two papers of general circulation in said village; and if a majority of the ballots cast at such election be in favor of such town hall loan and bonds, then and not otherwise shall said village council be authorized to purchase site, build said hall, borrow money and issue bonds as herein provided. Those voting in favor of said hall, loan and bonds, shall have written or printed on their ballots "Town hall bonds—Yes," and those opposing such hall, loan and bonds shall have written or printed on their ballots "Town hall bonds—No."

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
433L

[House Bill No. 1797.]

AN ACT

**To authorize the council of the incorporated village of Pemberville, Wood county, Ohio, to issue bonds to build a town hall.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Pemberville, Wood county, Ohio, be, and hereby is authorized to issue the bonds of said village in the sum of eight thousand dollars ($8,000.00) for the purpose of erecting a town hall.

SECTION 2. Said bonds shall be issued in amounts not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and to run not less than one nor more than ten years, and shall draw interest at a rate not to exceed six (6) per cent. per annum. Bonds, interest and principal, to be paid at such times and places as the council of said incorporated village may by ordinance designate. Said bonds may be issued at any time within one year from the passage of this act, and shall express on their face, the amount of the bond, rate of interest; time of payment of bond and interest; the purpose for which issued; the act under which issued; each bond shall be signed by the mayor and clerk of the village and no bond shall be sold for less than its face value. Any money remaining after the completion of said town hall, from the sale of said bonds, shall be placed in the contingent fund of said corporation, to be expended as other contingent funds are, and the council of said incorporated village is hereby authorized to levy a tax on all the taxable property of said village, sufficient to meet both principal and interest of said bonds, as the same may fall due.

SECTION 3. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS
*President of the Senate.*

Passed April 29, 1891.
434L

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[House Bill No. 1804.]

AN ACT

**To provide for the care, control and management of the cemetery at Hopewell church, Liberty township, Knox county, Ohio.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the care, control and management of the cemetery at Hopewell church, Liberty township, Knox county, Ohio, except as hereinafter provided, shall be vested in a board of cemetery trustees, consisting of three members, to be appointed by the trustees of said township at their next regular meeting after the passage of this act, one of said trustees to be appointed for one year, one for two years, one for three years, and annually thereafter, one for three years.

SECTION 2. Said cemetery trustees at their first meeting shall select one of their number secretary and one treasurer, who shall give bond as said trustees may require and shall hold their respective offices for the term of one year, and until their successors are appointed and qualified.

SECTION 3. Said trustees are hereby authorized to control, care for and manage said cemetery, receive subscriptions and contributions for the improvement, care, and maintenance thereof, and to build and repair fences enclosing the same.

SECTION 4. Nothing herein contained shall in any way interfere with any rights, privileges or immunities if any, that the trustees of said Hopewell church may have in the control or management of said cemetery.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
435L

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[House Bill No. 1810.]

AN ACT

To authorize the board of education of the city of Canton; in the county of Stark and state of Ohio, to borrow money and issue bonds therefor, for the purpose of deficiencies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Canton, county of Stark, Ohio, be and they are hereby authorized, to borrow the sum of twenty-five thousand dollars, for the purpose of meeting a deficiency in the tuition and contingent funds.

SECTION 2. That for the purpose of meeting the deficiency aforesaid the said board are authorized to issue bonds to be signed by the president and attested by the clerk of said board, in denominations of not less than one hundred dollars, and not more than one thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; said bonds to be payable at such time or times not exceeding fifteen years, from the respective dates thereof, as said board may determine, which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission; and that said bonds may, in the discretion of said board have interest coupons attached, and said board may in its discretion, make said bonds, or interest thereon, or either, payable at the city of New York, or other point to be designated in said bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
436L

[House Bill No. 1823.]

AN ACT

To authorize the board of education of Galion school district, in Crawford county, Ohio, to issue bonds and to levy a tax for the payment of the same, to erect and furnish additional school buildings and to supply a deficiency in its tuition fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the school district of the city of Galion, Ohio, be, and it is hereby authorized and empowered to issue the bonds of said school district in such amounts as it may determine, not to exceed the sum of fifteen thousand dollars in the aggregate, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually, said bonds to be made payable at a period not less than five years, nor more than fifteen years from the date of their issue, at the pleasure of said board.

SECTION 2. Said bonds shall be signed by the president of said board, and attested by its secretary, who shall register the same, and said bonds shall be negotiable and be sold at such times and in such amounts as the said board may deem best, to the highest bidder, after the sale thereof has been advertised for at least three weeks in one or more newspapers, published within said school district, but in no case shall any of said bonds be sold for less than their par value.

SECTION 3. Said board of education is hereby authorized, whenever it shall, in its opinion, be necessary, to levy a tax to pay said bonds or the interest thereon, and shall certify such levy to the auditor of Crawford county, Ohio, and said auditor shall cause any sum so certified by said board to be levied upon all the taxable property of said school district, and the same shall be collected as other school taxes are or may be, and paid into the treasury of said board in like manner; provided, however, that no levy in any one year made for the purposes aforesaid, shall exceed two mills upon the dollar of the valuation of said district.

SECTION 4. Out of the amount received from the sale of such bonds, the sum of one thousand five hundred dollars shall be placed to the credit of the tuition fund of said school district to liquidate an existing deficiency therein, and the residue thereof shall constitute and be a building fund, and shall be used and applied only for the purchase of sites for school grounds and to erect and furnish school buildings thereon, or on grounds now owned by said board; and all moneys realized from the levy of the taxes herein authorized, shall be applied to the payment of the bonds aforesaid and the interest thereon.

SECTION 6 [5]. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
437L

[House Bill No. 1785.]

AN ACT

To amend section 2 of an act to authorize and empower the council of the incorporated village of Painesville to pave and improve certain streets therein, and to issue bonds of said village therefor, passed April 15, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act passed April 15, 1889 (86 Ohio laws, page 702), to authorize and empower the council of the village of Painesville to pave and improve certain streets therein, and to issue bonds therefor, be amended so as to read as follows:

SECTION 2. That for the purpose of providing for the cost and expense of said improvements mentioned in the first section of this act, and to pay for the same, the council of said village is hereby authorized and empowered to issue the bonds of said village in the sum not exceeding sixty thousand dollars, in denominations of not less than one hundred dollars and not more than one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually; the principal of said bonds to be made payable not to exceed twelve years from the date of the issue of the same. The council of said village is hereby authorized and empowered to fix and determine by ordinance the amount of said bonds, the denomination of the same, the rate of interest, and the time when the principal thereof shall be made payable, under and within the limitations hereinbefore defined and prescribed.

SECTION 3. Said original section 2 is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
438L

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[House Bill No. 1798.]

AN ACT

To authorize the board of education of the Rising Sun special school district, of Wood and Sandusky counties, to issue bonds for the purpose of erecting a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the special school district of Rising Sun, Wood county, Ohio, be, and hereby are, authorized to issue the bonds of said district, in a sum not exceeding ten thousand dollars ($10,000.00), for the purpose of erecting a school building in said district.

SECTION 2. Such bonds shall be issued by said board in denominations of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), payable in such times, not exceeding ten (10) years, as the board may provide, with interest not to exceed six per cent. per annum, payable semi-annually, principal and interest payable at such

place as the board may determine, and the principal also to be paid in such amounts as the board shall determine, and said board shall levy a tax on all the taxable property of said special school district, in addition to that now authorized by law to be levied for school purposes, sufficient to pay the principal and interest of such bonds as they become due: Provided, that before such bonds or any part of them shall be issued, the question of issuing such bonds shall first be submitted to a vote of the people of said district, at a special election called for that purpose, due notice of which shall be given by proper notices posted for at least ten days before said election, in at least five (5) public places in said district, and the ballots voted at such election shall have written or printed on them the words, "Issue of bonds—Yes," or "Issue of bonds—No," and if a majority of such ballots cast at such election shall be in favor of the issue of such bonds, then such bonds shall be issued in accordance with the provisions of this act. When such bonds are so issued they shall express upon their face the purpose for which issued, the act under which issued, the amount of bond, the rate of interest, the time and places at which such bonds and interest shall be paid, and shall be signed by the president and secretary of the board of education.

SECTION 3. This act shall take effect and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 29, 1891.
439L

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[House Bill No. 1813.]

AN ACT

To authorize the commissioners of Adams county to repair and reconstruct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Adams county, Ohio, be and they are hereby authorized to repair and reconstruct the following described parts of free turnpike roads, to-wit: That part of the Zanesville and Maysville free turnpike lying between the Brown county line and the west corporation line of West Union; and that part of the Jacksonville and Locust Grove pike lying between David Cobler's and a point near the Locust Grove cemetery.

SECTION 2. Said commissioners may, in their discretion, order at once the repair and rebuilding of said parts of said roads, and may issue bonds for said purpose bearing six per cent. interest, which shall not be sold for less than their par value, and may levy a tax not exceeding five-tenths of a mill on the dollar, annually, on all the taxable property of said county for the purpose of paying said bonds and the interest thereon.

SECTION 3. A majority of said commissioners may at any regular session agree upon plans and specifications and order said repairs and reconstructions, or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
440L

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[House Bill No. 1811.]

AN ACT

To authorize the board of education of the city of Canton, in the county of Stark, and state of Ohio, to borrow money and issue bonds therefor, for the purpose of erecting and furnishing of a school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Canton, county of Stark, Ohio, be and they are hereby authorized to borrow the sum of twenty-five thousand dollars, to be applied to the payment of the expense to be incurred in the erection and furnishing of school buildings in said city, and purchasing sites therefor.

SECTION 2. That for the purpose of meeting the expense aforesaid, the said board are authorized to issue bonds to be signed by the president and attested by the clerk of said board, in denominations of not less than one hundred dollars and not more than one thousand dollars, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually; said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof, as said board may determine, which said bond[s] shall not be sold for less than their par value and to be sold without compensation or commission; and that said bonds may, in the discretion of said board, have interest coupons attached, and said board may, in its discretion, make said bonds or interest thereon, or either, payable at the city of New York, or other point, to be designated in said bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
441L

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[House Bill No. 1812.]

AN ACT

To authorize the board of education of the Dalton school district, Wayne county, Ohio, to borrow money and issue bonds for the purpose of building and furnishing a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Dalton school district, Wayne county, Ohio,

is hereby authorized to borrow money not to exceed the sum of six thousand dollars, and issue the bonds of the district therefor, for the purpose of building and furnishing a school-house.

SECTION 2. Such bonds shall be signed by the president, and attested by the clerk of the board of education. Said bonds shall be issued in sums of one hundred dollars, or any multiple thereof, and shall bear interest not to exceed six per cent. per annum, shall be made payable at such times as the board shall determine, but not to exceed twelve years from the date of issue. Said bonds shall not be sold for less than their par value; and the board shall levy annually such tax as is necessary to pay the bonds as they become due, and all accrued interest.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
442L

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[House Bill No. 1818.]

AN ACT

To create a special school district in Clark township, Coshocton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described territory in the township of Clark, county of Coshocton, state of Ohio, be and is hereby made and constituted a special school district, to-wit: Beginning at a point where Killbuck river crosses the east line of school district No. 3 in said township and county; thence following said river westward to a point where said river intersects the line on the east side of said district No. 3; thence to follow said river in a south-easterly direction where said river crosses the township line between Clark and Bethlehem townships in said county; thence due east on said township line to a point where said township line intersects the line of said district No. (3) three; thence running due north to the place of beginning.

SECTION 2. This act shall be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Passed April 29, 1891.
443L

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[Senate Bill No. 582.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, Ohio, are hereby authorized to

construct the following free turnpike road, in Anderson township, Hamilton county, Ohio: Commencing at a point in the Cluff pike and on the line between the lands of Charles H. Mattox and Emma Silvers, running in a southerly direction, the most direct and practicable route through the lands of G. Z. Van Zaun, H. F. Nagel, Philip Krug, James Johnson, Elisha Mattox and —— Bennett to the Ohio turnpike, and said road shall not be less than forty feet in width.

SECTION 2. That said commissioners may for the construction of said road, assess and levy on any and all taxable property in said county in excess of the taxes now authorized by law, in two assessments, a tax not to exceed in the total sum fifteen thousand dollars.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed April 30, 1891.
444L

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[Senate Bill No. 708.]

AN ACT

To authorize the council of the village of Uhrichsville, Tuscarawas county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Uhrichsville, Tuscarawas county, Ohio, be, and it is, hereby authorized to transfer, from the police fund to the lighting fund of said village, the sum of $250.00; from the police fund to the building fund of said village, the sum of $500.00; and from the police fund to the street fund of said village, the sum of $750.00.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
445L

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[Senate Bill No. 712.]

AN ACT

To authorize the trustees of Berlin township, Erie county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Berlin township, Erie county, Ohio, be and they are hereby authorized to transfer the sum of one thousand dollars from the township fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
446L

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[Senate Bill No. 714.]

AN ACT

To authorize the board of education of the village school district of Archbold, Fulton county, Ohio, to issue bonds, borrow money, to erect a school building, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of Archbold, Fulton county, Ohio, be and is hereby authorized to borrow sixteen thousand dollars ($16,000.00) to be applied to the payment of the expense incurred in erecting school building, furnishing, purchasing heating apparatus, and purchasing a site therefor.

SECTION 2. That for the purpose aforesaid, the board is authorized to sell bonds to be signed by the president and countersigned by the clerk of said board in sums not to exceed one thousand dollars ($1,000) bearing interest at a rate not to exceed six per cent. per annum, payable annually. Said bonds to be paid at such time or times not exceeding twenty years from the respective dates thereof as said board may determine. Said bonds shall be sold for not less than their par value.

SECTION 3. That for the purpose of paying said bonds and interest thereon as the same shall become due, the said board of education is authorized and empowered to annually levy a tax on all taxable property in said village school district in addition to that now authorized by law sufficient to pay the same, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected, paid over to the treasurer of said school district.

SECTION 4. That an act to authorize the board of Archbold special school district, Archbold, Fulton county, Ohio, to issue bonds and borrow money to erect a school building, passed April 15th, 1890, be and the same is hereby repealed.

SECTION 5 This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
447L

[Senate Bill No. 716.]

AN ACT

To authorize the board of county commissioners of Franklin county, Ohio, to issue bonds to build a bridge over Alum creek.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Franklin county, state of Ohio, be and they are hereby authorized, empowered and directed to construct a bridge across Alum creek where it is crossed by Clifton avenue, in said Franklin county, Ohio, together with the proper and necessary approaches thereto, at a cost not to exceed the sum of twenty thousand dollars; and in the exercise of their powers and the performance of their duties in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expense of constructing such bridge, with the proper and necessary approaches thereto, said board of county commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county, at not less than their par value, in sums of not less than one thousand dollars each, bearing interest at a rate not to exceed six per cent. per annum, payable annually, and redeemable at the pleasure of said commissioners at any time after two years, and not to exceed, in the aggregate, the sum of twenty thousand dollars; and said board of commissioners are further authorized and empowered to levy a tax upon all the taxable property of said county, to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
448L

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[House Bill No. 1121.]

AN ACT

To create a special school district in Montgomery and Perry townships, Wood county, and Scott township, Sandusky county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district in Montgomery and Perry townships, Wood county, and Scott township, Sandusky county, Ohio, to be known as "the Rising Sun special school district," to-wit: Section thirty-six (36) and twenty-five (25), and the east half ($\frac{1}{2}$) of section thirty-five (35), and the east half ($\frac{1}{2}$) of section twenty-six (26), also the south-east quarter ($\frac{1}{4}$) and the east half ($\frac{1}{2}$) of the south-west quarter ($\frac{1}{4}$) and the south-west quarter ($\frac{1}{4}$) of the south-west quarter ($\frac{1}{4}$) of section twenty-four (24), all in

Montgomery township, Wood county, Ohio; also the north-east quarter (¼) and the east half (½) of the north-west quarter (¼) of section one (1) in Perry township, Wood county, Ohio; also the west half (½) of section thirty-one (31) and the west half (½) of section (30); also the south-west quarter (¼) of section nineteen (19) all in Scott township, of Sandusky county, Ohio.

SECTION 2. Such special school district shall be governed and controlled in all respects by such laws as are now or may hereafter be in force relating to special school districts; provided, there shall be elected in such special school district on the second (2nd) Monday in May, 1891, six (6) members of the board of education, two (2) to serve for one (1) year, and two (2) to serve for two (2) years, and two (2) to serve for three (3) years as provided by law, of which ten days notice shall be given by written notice posted in 3 of the most public places in said district. Provided that all school property in section 26 of Montgomery township, Wood county, Ohio, shall be and remain the property of the township, and shall be subject to sale by the township board of education, the proceeds of such sale to be placed in the school fund of Montgomery township, Wood county, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
449L

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[House Bill No. 1187.]

AN ACT

**To enable the auditor of Hamilton county to correct and complete the plats and tax duplicates of said county.**

WHEREAS, By reason of the incomplete manner in which the plats, indexes, tax duplicates, and records of the office of the auditor of Hamilton county were done under the last contract, and by reason of new subdivisions being recorded in the recorder's office since the completion of said contract, and not recorded in the office of said county auditor; and as the plats, indexes, tax duplicate and records of said office are so incomplete and erroneous that it is impossible to fully and correctly locate and list the real estate of said county; and in view of the urgent necessity of having accurate descriptions of real estate of said county for the purpose of properly recording the appraisement of real estate in said county under the new decennial appraisements:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Hamilton county may proceed, and is hereby authorized to complete and correct the plats of real estate in said county, that he may be prepared to properly record the appraisement of real estate, and keep the records of his office up to date, the same as in the recorder's office.

SECTION 2. To accomplish the object of the foregoing section, the auditor may be furnished such number of assistants, to be selected by him,

in addition to his regular employes, as may be requisite for the proper production and correction of the plats and tax duplicates; and when it becomes necessary to survey any tract or tracts of land in said county before plats thereof can be produced, such survey may be made under the direction of the county auditor.

SECTION 3. To create a fund to defray the expenses incurred by this act, to be known as the platting fund, the commissioners of said county are hereby authorized to borrow a sum of not exceeding fifteen thousand ($15,000.00) dollars. To secure the payment thereof, the county commissioners may issue the bonds of the county with coupons payable semi-annually, at a rate of interest not exceeding four (4) per cent.; the principal payable in thirty (30) years from date, and redeemable at the option of the county commissioners in twenty (20) years from date. Said bonds shall be of denomination of five hundred ($500.00) dollars each, and are to be issued under the provision of the act passed March 22, 1883 (80 O. L. 68), an act providing for the sale of public bonds. Payments for the work required to be done under this act shall be made in the same manner as other bills against the county are paid. It is further provided that no part of this fund shall be used for any other purpose until the completion of said plats and tax duplicates, when the surplus, if any, shall be transferred to the county fund of said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
450L

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[House Bill No. 1461.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Clermont county, be and they are hereby authorized to lay out, build and construct a good and substantial free turnpike road in said county; said pike to be located as near as practicable along the following route, viz: Beginning at a point in the Felicity and Chilo turnpike on the line between the lands of William Waterfield deceased and Thomas Olmstead deceased; thence on their line to lands of Eugene Turton; thence over his lands and over the lands and along the line of E. Marriott, Gus Groppenbacher, J. M. Longworth, W. P. Wedding, R. L. Richards, Doretha Harcourt, M. J. Clark, and Mike Evans; thence on the line between Louisa Fancher and Kate Daughters, and through the lands of A. H. Hannah, Polly Wood, and Julia Avey; thence on the line between J. M. Goodwin, Alex. Hopkins and Mary A. Howard; thence through the lands of Robert Buchanan, terminating in the turnpike leading from Felicity to Moscow. Said road to be not less than thirty nor more than forty feet in width to be determined by the commissioners.

presented to this general assembly a petition requesting said Thomas H. Bayless and his said sureties to be released from all further liability upon said bond, and from all individual liability thereon or otherwise; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said Thomas H. Bayless and his said sureties upon his said bond be and they are each and all of them released and forever discharged from all liability upon said bond and from all individual and p. rsonal liability for the payment of school, township or other funds or money which came into the possession or under the control of said Bayless as such treasurer, and for which he in any way or manner became liable to account for and pay over as such treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
453L

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[House Bill No. 1807.]

AN ACT

To authorize the county commissioners of Belmont county, Ohio, to issue the bonds of said county for purposes therein named and to levy a tax for the redemption thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Belmont county, Ohio, are hereby authorized and empowered to issue the bonds of Belmont county for an amount not exceeding fifty thousand dollars ($50,000.00) which said bonds are to be made payable not to exceed twenty (20) years from the date of the issue thereof, and shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually. Said bonds shall be known as "Belmont county bridge bonds," and shall not be sold or negotiated for less than their par value; and the proceeds arising from the sale thereof shall not be applied to any other than bridge purposes; and said commissioners are further authorized and empowered to levy a tax on all the taxable property on the tax duplicate of said county to pay said bonds as they mature togethor with the interest thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
454L

SECTION 5. For the purpose of raising a fund for the redemption of such bonds and the payment of the interest thereon, the council of said city is authorized and required to levy a tax upon all the taxable property in said city, not to exceed one mill on the dollar of valuation in any one year, and if necessary this levy may be in addition to the nine mills authorized to be levied for general purposes in cities of the fourth grade of the second class.

SECTION 6. This act shall take effect upon its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
452L

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[House Bill No. 1796.]

AN ACT

To provide for the release of Thomas H. Bayless, ex-treasurer of Biglick township, in Hancock county, Ohio, and the sureties on his bond as such treasurer, from the payment to said township of a deficiency and loss of three hundred dollars of money belonging to said township while acting as such treasurer between the spring elections of 1887 and 1888.

WHEREAS, Thomas H. Bayless of Biglick township, in Hancock county, in the state of Ohio, after serving in and holding the office of township treasurer of said township for fourteen years successively was at the April election for 1887 again elected treasurer of said township for the term of one year, and gave bond to the acceptance of the trustees of said township conditioned according to law with Andrew J. Moore, David Fisher, and John S. Bayless as bondsmen and sureties thereon; and,

WHEREAS, Said Thomas H. Bayless afterward as such treasurer duly entered upon the duties of said office and received into his hands divers sums of money belonging to the school and township funds of said township, and afterward the sum of about four hundred and fifty dollars of said money was either stolen, or lost without criminal intent or neglect, and with no purpose to defraud said township or the people thereof, as they fully believe and state, as appears by a petition signed by a large majority of the tax-payers of said township and presented to this general assembly; and,

WHEREAS, Said Thomas H. Bayless has repaid into the treasury of said township of said money so lost or stolen the sum of one hundred and fifty dollars leaving a balance of three hundred dollars unpaid; and,

WHEREAS, It is clearly shown that the tax-payers of said township have full confidence in the honesty of said Bayless and are fully satisfied that the loss of said money was not caused by any wrongful act on his part or intent to injure or defraud the people of said township and that he is an honest, upright man and citizen of said township, and that he is feeble in health with small means and income on which to support himself and family, and that out of less than two hundred electors of said township voting therein at the last April election for 1891, one hundred and seventy of them, being fully advised in the premises, have signed

[House Bill No. 1822.]

AN ACT

To authorize the council of the incorporated village of Kirby, Wyandot county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Kirby, Wyandot county, Ohio, be and is hereby authorized to transfer the sum of one hundred and fifty ($150.00) dollars from the police fund to the general revenue fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
456L

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[House Bill No. 1824.]

AN ACT

To provide for the establishment and maintenance of a morgue for the city of Cleveland and county of Cuyahoga.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Cuyahoga county be and are hereby authorized to provide for the construction and maintenance at an expense not to exceed ten thousand dollars, of a county morgue for the joint use of said county of Cuyahoga and city of Cleveland. Provided, however, that no special tax shall be levied for the construction of said morgue, but that the same shall be constructed and maintained out of any moneys in the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
457L

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[House Bill No. 1825.]

AN ACT

To authorize the county commissioners of Darke county, Ohio, to improve a certain road in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Darke county, Ohio, be and they are hereby authorized and empowered to improve by grading and gravel-

ing, and by widening to its original width (sixty feet) that portion of the Greenville and St. Mary's road between said city of Greenville, Darke county, Ohio, and the north line of the children's home farm in said county. That said county commissioners may order the expenses and costs of making said improvement to be paid out of the general county fund, or road fund of said county.

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
458L

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[House Bill No. 1834.]

AN ACT

To authorize the board of education of the city of Middletown, Butler county, Ohio, to issue bonds for the purpose of erecting a school building and for the purpose of building an addition to the "East" school building in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Middletown, Butler county, Ohio, be and they are hereby authorized to borrow money and to issue bonds therefor, in a sum not exceeding fifty thousand dollars ($50,000.00) for the purpose of erecting a school building in said city, and for the purpose of building an addition to the school building known as the "East" building in said city.

SECTION 2. Said bonds shall be issued by said board in denominations of one thousand dollars ($1,000.00) each, payable in such times not exceeding twenty-five years, as the said board may provide, with interest not exceeding five per cent. per annum, payable semi-annually, principal and interest payable at such place as the board may determine.

SECTION 3. Said board shall annually thereafter cause the necessary taxes to be levied in addition to those now authorized by law, to pay the principal and interest on said bonds, as the same shall become due, in the manner provided by law for the levying and collecting taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
459L

[House Bill No. 1514.]

## AN ACT

To establish a special school district in Grandview township, Washington county, Ohio, and to authorize the board of education of said district to borrow money for the purpose of purchasing the necessary real estate and constructing and equipping a school-house in said district, and to issue the negotiable coupon bonds of said district therefor, and to repeal an act therein named, passed March 24, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a special school district, to be known as the "Matamoras special school district," be and the same is hereby established in the township of Grandview, county of Washington and state of Ohio, and shall embrace and include the following described territory, to-wit: Section No. 7, including the village of Matamoras, section 8, except the n. w. ¼ of n. w. ¼; section 2, except 6¼ acres, n. e. corner; 78 acres in the southern part of section 3, said 78 acres owned by Minerva Gray; the e. ½ of s. e. ¼ and s. w. ¼ of s. e. ¼ of section 9; the s. w. ¼ of section 14; and the following tracts in section 13, to-wit: 151 acres owned by Susan and Samuel Shannon, 2 acres owned by H. A. Williamson, and 58 acres owned by George Hendricks, all in township 2, range 5.

SECTION 2. Said special school district shall be entitled to receive all funds collected and levied or that may be levied or collected for school purposes in the district heretofore embracing the same territory, and all property, real and personal, acquired by the board of education of said former district shall pass to and vest in the board of education of the district herein established, for school purposes; and the first election of officers for said special district shall be held within twenty days after the passage of this act upon the notice and in the manner provided for holding special elections in section 3924 of the Revised Statutes of Ohio, and said special school district shall be governed by the laws which now are, or which may hereafter be in force relating to special school districts.

SECTION 3. That the board of education of said Matamoras special school district be, and it hereby is authorized to borrow a sum of money not exceeding eight thousand five hundred dollars ($8,500) for the purpose of purchasing the necessary real estate in said district, and of constructing thereon and equipping a school-house, and for this purpose to issue its negotiable coupon bonds in sums of $1,000 or less, bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually; the principal of said bonds shall be payable at such times and places as said board of education may by resolution determine, within a period of not exceeding twenty years, and shall be advertised and sold according to law; said bonds shall be executed by the president of said board of education, subscribing the corporate name of said board thereto, and by the clerk of said board affixing the seal of said board thereto attested by his signature; the coupons attached to said bonds shall be executed by engraving or lithographing the signature of the treasurer of said board thereon; one of said bonds shall be sold for less than their par value and accrued interest, and all of said bonds remaining unsold on the 3d day of January, 1892, shall be canceled at a regular meeting of said board, and a record of the same placed upon its minutes.

SECTION 4. Said board of education is hereby authorized to levy a tax on all the taxable property of said district in addition to what is already authorized by law to be levied, sufficient to meet the interest

accruing on said bonds and to pay the principal of the same as it may fall due.

SECTION 5. That an act entitled "An act to authorize the board of education of the village of New Matamoras, Washington county, Ohio, to borrow money for the purpose of purchasing the necessary real estate and constructing and equipping a school-house in said village, and to issue the negotiable coupon bonds therefor," passed March 24th, 1891, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 1, 1891.
460L

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[Senate Bill No. 709.]

AN ACT

To authorize the trustees of Tuscarawas township, Coshocton county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Tuscarawas township, Coshocton county, be and they are hereby authorized to transfer the sum of five hundred dollars from the general fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
461L

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[Senate Bill No. 710.]

AN ACT

To change the name of Martha L. Evans to Martha L. Nye.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Martha L. Evans be and the same is hereby changed to Martha L. Nye, provided however that such change shall in no way affect her legal obligations.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
462L

[Senate Bill No. 715.]

AN ACT

To divide Loramie township, Shelby county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Loramie in the county of Shelby and state of Ohio, be and the same is hereby divided into two election precincts as follows, to-wit: Said division to be made on and along the range line running north and south between town nine (9), range five (5) east and town ten (10), range four (4), and all of said township lying west of said division line shall be designated and known as west precinct and the voting place shall be at the village of Russia in said township and all of said township lying east of said division line shall be designated and known as east precinct and the voting place shall be at the village of Mt. Jefferson in said township.

SECTION 2. This act shall take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
463L

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[Senate Bill No. 718.]

AN ACT

Authorizing the board of education of special school district number one (1), Crosby township, Hamilton county, Ohio, to purchase grounds, erect a school building thereon, furnish the same, and to issue bonds for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of special school district number one (1), Crosby township, Hamilton county, Ohio, is hereby authorized to purchase grounds, erect a school building thereon, and furnish the same, at a cost not exceeding twenty-five hundred dollars ($2,500), and to issue the bonds of said school district, for not more than twenty-five hundred dollars ($2,500), in such denominations as said board may by resolution determine, to run from one to not exceeding five years, payable in such installments annually, as they may deem best, bearing interest not exceeding six per cent., payable semi-annually, which bonds shall not be sold for less than par; said bonds shall be signed by the president of said board of education, and attested by the clerk thereof. The clerk of said board shall keep a record of the number, date, amount, and rate of interest of each bond sold, the sum for which, and the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public, at all reasonable times. Said board of education shall levy annually, upon all the property in said school district, taxes sufficient to pay the accruing interest, and provide a sinking fund for the redemption of said bonds, as they become due. Said levy, if necessary, may be in addition to the limitation now imposed by law; the funds arising from the sale of said bonds shall be used only in the purchase of said school grounds, the erection of a building thereon, and the furnishing of the

same. Said bonds s ll not bear interest until the purchase money for the same shall have ı n paid by the purchaser.

SECTION 2. This ct shall take effect from its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891
464L

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[House Bill No. 1777.]

AN ACT

**To amend an act entitled "An act to authorize the commissioners of Brown county to construct a free turnpike," passed February the 11, 1891.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize the commissioners of Brown county to construct a free turnpike," passed February 11, 1891, be amended so as to read as follows: The commissioners of Brown county are hereby authorized to build and construct a good and sufficient free turnpike on the Felicity and Feesburg road, beginning at the Clermont county line near the residence of Samuel Tatman, deceased; thence on said road to the corner of the lands of said Tatman and John G. Conley in the line of D. F. Trout; thence across said Trout's land passing near by the south corner of Mt. Zion cemetery, intersecting the Felicity and Feesburg road; thence passing the residence of D. F. Bolander and D. F. Trout to the cross-roads where the Cedron and Sims run road intersect said road; thence on said road as nearly as practically crossing the Bethel and Augusta road, intersecting the Higginsport, Bull Skin and Feesburg free turnpike road near the mill of Wm. M. White.

SECTION 2. Twenty per centum of the cost of the construction of said free turnpike shall be paid by a tax on all the taxable property within one mile of said free turnpike, and eighty per centum of the costs of the construction of said free turnpike shall be paid by a tax on all the taxable property of the county, and all other costs connected with the establishing and construction of said free turnpike shall be paid for by the county.

SECTION 3. The said commissioners shall determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten, and an equal part of said twenty per centum shall be levied and collected each year, and the said commissioners are authorized each year to make such levy upon all the taxable property within said taxing district, until the whole twenty per centum is fully paid; and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and they shall in like manner levy upon all the taxable property of the county the eighty per centum of the costs of said construction, so that the same will be paid in not less than five years nor more than ten.

SECTION 4. For the purpose of paying eighty per centum of the cost of the construction of said free turnpike road the commissioners are hereby authorized to issue the bonds of the county, bearing not to exceed six per cent. interest, payable at such times as the commissioners may

determine, not exceeding ten years from the date thereof. Said bonds shall not be sold for less than their par value.

SECTION 5. That the act passed February 11, 1891, authorizing the commissioners of Brown county to construct a free turnpike on the Felicity and Feesburg road is hereby repealed and this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
465L

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[House Bill No. 1806.]

AN ACT

To authorize the commissioners of Hamilton county to construct an extension of Elberon avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be, and they are hereby authorized, to extend, open and improve Elberon avenue from the southern terminus of said avenue as now improved at its intersection with Bassett road, otherwise called Kalon street, by a grade not exceeding five (5) feet in any one hundred (100) feet, in a southerly, easterly and north-easterly direction around the south face of the hill to the intersection of State avenue and German street in the city of Cincinnati, a distance of about six thousand four hundred and fifty (6,450) feet, by grading, macadamizing, curbing, flagging, guttering and constructing the necessary drain, bridges and culverts; said avenue to be not less than sixty feet (60) in width, and the roadway between the curbs to be not less than forty (40) feet.

SECTION 2. The said commissioners shall purchase, or if they do not agree with the owner for the purchase thereof, shall appropriate any portion of said avenue and the extension thereof herein provided for, not dedicated to public use for road or street purposes, and for this purpose they shall cause a survey and description of the land needed for such purposes to be laid and filed in the probate court of said county, and thereupon the same proceedings shall be had as are provided for the appropriation of private property by municipal corporations.

SECTION 3. For the purpose of defraying in part the cost of extending, opening and improving said avenue, said commissioners shall assess such portion of the cost thereof as they shall deem reasonable upon the property abutting thereon, except streets or avenues intersected or crossed thereby, not exceeding two dollars ($2.00) per foot front on each side of said extension; and shall certify the same to the county auditor to be by him entered upon the tax duplicate of the county for collection by the county treasurer in a manner provided for collection of taxes; said assessment to be made in advance, or upon completion of said improvement as may be determined by the said commissioners; and when collected, to be credited to a fund to be known as the Elberon avenue fund.

SECTION 4. For the purpose of raising money to defray the cost of any property purchased or condemned, and the expense of opening and

uproving said extension of said Elberon avenue, the commissioners are reby authorized to issue bonds of Hamilton county in a sum not exeding one hundred thousand dollars in denominations of not less than e hundred dollars ($100) and not more than one thousand dollars ,000) each, bearing interest at the rate not to exceed five per centum per num, payable semi-annually; said bonds to be negotiable, and payable hin twenty (20) years from the date of issue, and to be signed by the county commissioners and countersigned by the auditor of said ity, who shall keep a record of all said bonds. Said bonds shall be d from time to time as may be required to meet the payments prod for under this act, provided that said bonds shall not be sold for han the par value thereof, and that the proceeds shall be credited to "Elberon avenue fund."

SECTION 5. This act shall take effect and be in force from and after assage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
466L

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[House Bill No. 1815.]

AN ACT

To authorize the village of Georgetown, Brown county, Ohio, to issue bonds and levy a tax for the purpose of opening, improving and repairing streets of said village and purchasing and improving a village park.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Georgetown, Brown county, Ohio, be and it is hereby authorized to issue the bonds of said village in denominations of not less than one hundred nor more than five hundred dollars each, and in the aggregate not to exceed the sum of twenty thousand dollars for the purpose of opening, improving and repairing streets in said village, and purchasing and improving a public park for said village, which bonds shall have proper interest coupons attached, and bear a rate of interest not exceeding six per cent. per annum payable annually at such place as said council may by resolution or ordinance determine.

SECTION 2. Said bonds shall be signed and sealed by the mayor of said village and countersigned by the corporation clerk of said village, and shall be issued at such times and in such amounts as will in the judgment of the council best subserve the negotiation and sale thereof, and shall not be sold for less than their par value with the accrued interest; and said bonds may by resolution of the council be sold at private sale and without advertising. The principal of said bonds shall be payable at such times and place as the council may determine by resolution not exceeding twenty years from the date thereof; and said council is hereby authorized to levy a tax annually on all the taxable property of said village of Georgetown not exceeding ten mills on the dollar in any one year in addition to the maximum rate authorized by law to pay the interest

accruing on said bonds, and to create a sinking fund for the payment of said bonds as they shall become due and payable.

SECTION 3. It shall be the duty of the council of said village of Georgetown to submit said proposition to issue said bonds and levy said tax to the qualified electors of said village at a special election to be called for hat purpose. Fifteen days notice of the proposed submission of said proposition to issue said bonds and levy said tax shall be given by posting notices thereof in five of the most public places in said village and by publication in any newspaper published in said village. The form of the ballot at said election shall be as follows: "For issue of bonds—Yes," "For issue of bonds—No." And if a majority of the qualified electors at said election shall vote in favor of said proposition said council shall be authorized to issue said bonds and to levy said tax, and not otherwise.

SECTION 4. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
467L

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[House Bill No. 1816.]

AN ACT

To authorize the council of the village of Navarre, Stark county, Ohio, to issue bonds and levy a tax, the money arising from the same to be used for the purpose of aiding and encouraging manufacturing establishments in the said village of Navarre, Stark county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Navarre, in the county of Stark, Ohio, be and the same is hereby authorized to issue the bonds of the said village, not exceeding $20,000.00, as hereinafter provided, for the purpose following, to-wit: To purchase grounds and improve the same for manufacturing establishments, and also in any other way that may be deemed expedient, to aid and encourage said establishments.

SECTION 2. Said bonds shall be of such denomination, payable at such times, and bear interest at such rate per cent., not exceeding six per cent., payable semi-annually, as the council of said village may direct, but said bonds shall not be sold for less than their par value.

SECTION 3 For the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all of the taxable property of said village, in addition to that otherwise authorized by law, to such amount each year as shall be necessary to the payment of the principal of said bonds.

SECTION 4. Before the said council shall have authority to issue bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said village at a regular or special election held for that purpose; such election shall be held in the same manner and at the places where elections are usually held in said village; notice thereof shall be given by publication in a newspaper, printed and of general cir-

ulation in said county, for two consecutive weeks prior to said election; hose electors who favor the issue of such bonds and a levy of such tax, hall have written or printed on their ballots the words, "Issue of bonds —Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words, "Issue of bonds—No;" and f a majority of the votes cast at such election are in favor of the issue of such bonds, the council of such village shall be authorized to issue said bonds and make said levy for the purpose aforesaid.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
468L

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[House Bill No. 1828.]

AN ACT

To authorize the county commissioners of Darke county, Ohio, to levy a tax and issue bonds for the purpose of building a memorial hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Darke county, Ohio, be and they are hereby authorized to levy a tax upon all the taxable property of said county, of not more than one mill upon each dollar, for a period not longer than two years, to raise a fund for the purpose of purchasing a site in the city of Greenville, in said county, and erecting thereon a suitable building to be used as a memorial hall for the grand army of the republic, and for other purposes, to perpetuate the memory of soldiers from said county who served in the union army during the late rebellion.

SECTION 2. That before said levy is made, the said commissioners shall submit to a vote of the people of said county, at any general election for state, county or township officers, the question whether or not a tax as stated in section one of this act shall be levied, and in case a majority of the voters, voting upon said question, at said election, shall vote in favor of imposing said tax, the same shall be levied, but not otherwise. And in the event said tax shall be ordered levied, the said commissioners shall immediately thereafter issue the bonds of the county in an amount equal to said levy, and sell the same at not less than their par value, according to law, in order to obtain the funds for the purpose of carrying out, without delay, the provisions of this act. Said bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall become due at the discretion of said board of county commissioners.

SECTION 3. Said fund shall be paid into the county treasury of said county, and shall be under the control of a board of five (5) trustees appointed by the posts of the grand army of the republic of Darke county, Ohio, but in case said organizations of the grand army of the republic shall cease to exist, or fail to make the appointment of such trustees, the same shall be done by the county commissioners. It shall be the duty of said trustees to select a site and erect thereon said building,

and on estimates by them made shall receive from the county auditor warrants on the county treasurer for the funds so provided for the purposes herein stated. Said board of trustees shall organize by electing a president and secretary from their number, who shall sign all estimates and orders on the county auditor, for the said funds so provided, and said trustees shall have the control and management of said building and the disposition of the proceeds of the rental thereof.

SECTION 4. When the said organizations of the grand army of the republic shall cease to exist, the said building and site shall revert to and become the property of the said county of Darke, in fee simple.

SECTION 5. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
469L

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[House Bill No. 1829.]

AN ACT

To divide Franklin township, Darke county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Franklin, Darke county, Ohio, be and the same is hereby divided into two election precincts upon the line described as follows: Commencing at the south-east corner of section sixteen (16); thence two miles west to south-west corner of section seventeen (17); thence one mile north to the north-west corner of section seventeen (17); thence west to the township line of the south-west corner of section twelve (12). That all that part of said township lying south of said dividing line be and the same is hereby constituted an election precinct to be called the south precinct of said township, and elections therein shall be held in the village of Painter Creek; and that part of said township lying north of said dividing line be and the same is hereby constituted an election precinct to be called the north precinct of said township, and elections therein shall be held at the village of Red River.

SECTION 2. This act shall be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
470L

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[House Bill No. 1835.]

AN ACT

To authorize the council of the city of Middletown to pay the treasurer for collecting taxes, in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Middletown be and the same is hereby author-

ized to pay to the treasurer of Butler county the sum of four hundred dollars per annum to defray the expense and to compensate him for the additional labor in collecting the taxes of said city, within the corporate limits of the same; said compensation to be paid out of the general expense fund of the said city.

SECTION 2. The city council shall order the compensation provided for in the preceding section to be paid semi-annually at the first regular meeting after the date of the semi-annual settlements of the treasurer of said city with the auditor of Butler county.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
471L

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[House Bill No. 1838.]

AN ACT

To authorize the trustees of Hocking township, Fairfield county, Ohio, to levy a tax to supply deficiency in the road fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Hocking township, Fairfield county, Ohio, be and the same are hereby authorized and empowered to levy a tax, in addition to that now by law authorized to be levied, of four-tenths of one mill, to be levied as follows, to-wit: During the years 1891 and 1892; and said tax levy is to be expended only from the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
472L

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[House Bill No. 1839.]

AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to extend Eighth street, and improve the same, from the west line of the old St. Joseph cemetery in the city of Cincinnati to the east line of St. Joseph cemetery in Delhi township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and are hereby authorized to assess and collect upon the grand levy of the taxable property of said county a tax not exceeding two-tenths of one mill on the dollar, one-half of which shall be assessed and collected on the duplicate of 1891 or thereafter and the remainder on the tax duplicate of 1892 or thereafter, and be applied to the grading, macadamizing, and improving an extension of

Eighth street to be eighty feet wide from the west line of the old St. Joseph cemetery in the city of Cincinnati, westward to the east line of the new St. Joseph cemetery in Delhi township; provided, however, that the owners of the property grant the right of way of said extension of Eighth street to the width of eighty feet without any claim for compensation from the said county commissioners.

SECTION 2. That this act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
473L

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[House Bill No. 1842.]

AN ACT

To authorize the commissioners of Montgomery county, Ohio, to pay for a certain bridge.

WHEREAS, A bridge built by the county commissioners of Montgomery county, Ohio, over the Miami and Erie canal in Wayne township, of said county, was destroyed, and John F. Mays, at the cost of five hundred and ninety-two dollars, rebuilt same; and,

WHEREAS, He has petitioned said commissioners to repay to him said sum, and they are willing so to do, but find no authority in law to pay same to him; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Montgomery county, Ohio, are hereby authorized and empowered to pay to John F. Mays the sum of five hundred and ninety-two dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
474L

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[House Bill No. 1844.]

AN ACT

To amend an act passed March 28, 1888 (85 O. L. 479), dividing Pike township, Perry county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Pike township, Perry county, Ohio, be and the same is hereby divided into two election precincts by the following line to-wit: Commencing on the south line of said township on the section line between sections 32

and 33; thence north along said section line to the county road at the north-east corner of the south-east quarter of section 8; thence east along the county road to where the same intersects Brown street in the village of New Lexington; thence along said Brown street to a point where the same intersects Jackson street; thence along Brook street and the public road to the New Lexington and Rehoboth road; and thence north on said road to the north line of said township; all the territory lying east of said line shall constitute one precinct and be known as the east precinct, and that lying west of said line shall constitute one precinct and be known as the west precinct of said township; and the elections in each precinct shall be held in that part of the village of New Lexington within such precinct.

SECTION 2. That said original act passed March 28, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of July, 1891.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
475L

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[House Bill No. 1845.]

AN ACT

To authorize the village council of the village of Marysville, Union county, Ohio, to issue bonds and borrow money for improvement of certain streets therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Marysville, Union county, Ohio, is hereby authorized to issue bonds not to exceed twenty thousand ($20,000) dollars, bearing a rate of interest not to exceed six per cent. per annum, to be of such denominations as the said council may determine—not less than one hundred dollars ($100) each; said bonds to be signed by the mayor and countersigned by the clerk of said village, and payable at any time or times said council may determine, not to exceed twenty (20) years and not to be sold for less than their par value, and the interest to be paid semi-annually. The money from the sale of said bonds to be applied to the improvement of what is known as "Fifth (5th) street," running east and west, from what is known as the "Five Points" on the east to the corporation line on the west; and "Main street" from Mill creek bridge to the Cleveland, Cincinnati, Chicago & St. Louis railway, and "Eighth street" from Main street to Oak street; the same to be done in such time and manner as said council may determine, and said money to be applied for such purpose and none other.

SECTION 2. Said council shall have power, and it is hereby made its duty, after the issuing of said bonds to levy on the taxable property of said village during the running of said bonds, sufficient tax to pay the interest semi-annually and the principal of said bonds as they may become due, and shall certify to the auditor of said county the percentage by them levied necessary for the payment thereof; and the auditor shall place the

same on the duplicate of taxes and shall collect the same as other taxes, and the money arising from such tax shall be applied to the payment of the principal and interest of said bonds as aforesaid, and to no other purpose whatever; provided, that before the issue of such bonds the question of their issue shall be submitted to the qualified electors of said village at a regular or special election, ten days notice of which shall have been given by posting notices in writing in five public places in said village, and if a majority of the votes cast shall be in favor of bonds then said council shall be authorized to issue them as hereinbefore provided.

SECTION 3. This act shall be in force and take effect from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
476L

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[House Bill No. 1850.]

AN ACT

In aid of "the Cleveland shelter for friendless girls," located in the city of Cleveland, under the sole charge of the Cleveland evangelization society, a benevolent association, incorporated under the laws of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all fines and forfeitures arising from the prosecution of houses of ill fame or prostitution, or the inmates, residents or visitors thereof, or from the prosecution of prostitutes or street-walkers, in any of the courts held within the city of Cleveland, Ohio, shall be by such courts paid over to "the Cleveland evangelization society," in said city, for the sole use and benefit of "the Cleveland shelter for friendless girls," which shelter is under the sole charge and control of such society, which moneys shall be paid over to the treasurer of said society on the first Monday of each month, and for all moneys so paid over receipts in duplicate shall be taken by the courts paying such moneys, one of which shall be filed with the county auditor and the other retained as a voucher to be used by such court receiving the same in any settlement required by law to be made by such court as to such moneys.

SECTION 2. It shall be the duty of such society on or before the 31st day of December in each year to furnish the county auditor a statement of the moneys received from each court with the date and amount of each payment, and also a statement of how the said moneys have been expended, and it shall be unlawful to use or appropriate any part of said moneys to any other purpose than for said shelter for friendless girls.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
477L

[House Bill No. 1854.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Cuyahoga Falls, of Summit county, Ohio, be and they are hereby authorized to transfer the sum of one thousand dollars ($1,000.00), from the sidewalk fund, to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
478L

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[House Bill No. 1855.]

AN ACT

To authorize the creation of a special school district, composed of parts of Jackson, Jefferson, Enoch and Olive townships, Noble county, Ohio, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, to-wit: Beginning on the section line dividing sections Nos. thirty-five (35), and thirty-six (36), in township six (6), range nine (9), in Olive township, Noble county, Ohio, at the north-west corner of lands formerly owned by P. M. Jordan, about fifty rods north of the south-west corner of the south-west quarter of said section thirty-six (36), in township six (6), and range nine (9), in Olive township, Noble county, Ohio, thence south along the section line to the south-west corner of the north-west quarter of section twelve (12), township five (5), and range nine (9), in Jackson township in said county; thence east to the north-east corner of the west half of the south-west quarter of said section last aforesaid; thence south to the section line; thence east along the section line to the township line dividing Jackson township, Noble county, Ohio, from Washington county, Ohio; thence north along said township line to the south-west corner of H. Kellar's land, in section six (6), in Jefferson township, in said Noble county; thence east along the line dividing Noble and Washington counties, to the road leading from Middleburgh to Macksburgh, Washington county, Ohio; thence north following the east line of B. Corp's land, in section six (6), in said Jefferson township, to the north-east corner of said land; thence east to the south-east corner of lands owned by the Ohio coal company, in section five (5), in said township; thence north on the west line of J. S. Davis' land in said section, to the north-west corner of said land; thence east to the south-west corner of W. H. Davis' land in said section; thence north to the line dividing Enoch and Jefferson townships, in said county of Noble: thence

east to the south-east corner of Duke Kellar's land, in section thirty-two (32), in Enoch township, in said county; thence north along the east line of said Kellar's land to the north-east corner of the same; thence west to a corner on the east line of Zac. Dailey's land in said section thirty-two (32), in said township; thence north on the east line of said lands to the quarter-section line in said section; thence west along said quarter-section line to the south-west corner of the north-west quarter of said section; thence north along the east line of the lands owned by the Ohio coal company, in section thirty-one (31), in said township, to the north-east corner of the same; thence west to the north-west corner of said lands; thence north to the section line dividing sections thirty (30), and thirty-one (31), in said township; thence west along said section line to the public road leading from Heron's ridge to Duck creek; thence south following said road to where it intersects the east line of J. McClaskey's land in said section thirty-one (31); thence south to the south-east corner of the south-west quarter of the north-west quarter of said section; thence west to the north-west corner of Harry Shirls' lands in section thirty-six (36), in Olive township, in said Noble county; thence south along the west line of said lands to the public road; thence west along said road to where it intersects the east line of William Davis' land in said section last aforesaid; thence south to the north bank of the west fork of Duck creek; and thence west along said north bank of said creek, following the meanderings thereof, to the north-east corner of lands formerly owned by P. M. Jordan; thence west along the north line of said lands, in said section, to the place of beginning; shall be and the same is hereby created and declared to constitute a special school district, to be known and designated as the Dexter City special school district.

SECTION 2. That the land belonging to B. Corp, situated in the south-east quarter of section six (6), in Jefferson township, in said county of Noble, heretofore constituting a part of the Macksburgh special school district, be detached from said special school district, and be made a part of said Dexter City special school district, the same being a part of the land included in the territory described in section one (1), of this act.

SECTION 3. That the west half of the south-east quarter of section thirty-three (33), township six (6), of range eight (8), and the south-west quarter in section, township and range aforesaid, and the south-east quarter of the south-east quarter, and the south-east quarter of the north-west quarter of section thirty-two (32), township six (6), of range eight (8), and the west half of the north-west quarter in section, township and range last aforesaid; and the north-east quarter of the north-east quarter of section thirty-one (31), township and range last aforesaid in Enoch township, Noble county, Ohio, be transferred to sub-district number eight (8), in said township.

SECTION 4. That the west half of the west half of the north-east quarter of section five (5), township five (5), of range eight (8), and the south-east quarter of the north-west quarter, and the south half of the north-east quarter in section, township and range aforesaid, and the east half of the north half of the north-east quarter of the north-west quarter of the north-west quarter in section, township and range aforesaid, in Jefferson township, Noble county, Ohio, be transferred to sub-district number eight (8), in said township.

SECTION 5. That within twenty days from the passage of this act, written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident

electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices, then and there to elect a board of education of the said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and a clerk, who shall be judges of said election, which shall continue at least two hours, and shall not close before four o'clock p. m. and shall then choose by ballot three competent and judicious persons, qualified electors thereof, to serve as members of the board of education of the said special district, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years, from said third Monday, and each to serve until the election and qualification of their successors, and on the second Monday of April of each year following the first election of the board of education, there shall be elected one member to serve for three years, and until his successor is elected and qualified.

SECTION 6. That all the school property situated within said described territory shall belong to and be the property of said Dexter City special school district, and said school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for school-house and incidental expenses in said territory, in accordance with the enumeration of the year 1890, of children who are entitled to attend school; said funds, including those now collected within the county or township treasury, that are not required to pay the expenses heretofore incurred for schools by the boards of local directors in the territory described in section one (1), of this act, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 7. That the act passed April 7th, 1891, entitled "An act to authorize the creation of a special school district composed of parts of Jackson, Jefferson, Enoch and Olive townships, Noble county, Ohio," be and the same is hereby repealed.

SECTION 8. This act shall take effect, and be in force on and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
479L

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[House Bill No. 1857.]

AN ACT

To authorize the council of the village of Matamoras, Washington county, Ohio, to issue [illegible] and borrow money for the purpose of grading and repairing the streets of said village and putting in curbing for sidewalks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Matamoras, Washington county, Ohio, be and is hereby authorized to borrow a sum of money not exceeding two thousand dollars ($2,000.00), for the purpose of grading and repairing the streets of said village, and putting in curbing for sidewalks; and for that purpose to issue the bonds of said village in sums of one hundred dollars ($100.00), or less, at an annual rate of interest not exceeding six per cent. per annum, payable annually, and payable at such time or times not exceeding 20 years, as the council may deem best, and which bonds shall not be sold for less

than their par value; said bonds shall be signed by the mayor and countersigned by the clerk of said village.

SECTION 2. That for the purpose of paying said bonds and the interest thereon, said council is hereby authorized to levy a tax upon all the taxable property within said village, from year to year, until all the bonds and accruing interest has [have] been paid.

SECTION 3. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
480L

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[House Bill No. 1859.]

AN ACT

To authorize the council of the incorporated village of West Carrollton, Montgomery county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of West Carrollton, Montgomery county, Ohio, be and is hereby authorized to transfer the sum of three hundred dollars ($300) from the general fund to the street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
481L

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[House Bill No. 1860.]

AN ACT

To authorize the trustees of Jackson township, Perry county, Ohio, to levy a tax for the purpose of building a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Jackson township, Perry county, Ohio, be and they are hereby authorized to levy a tax of five mills on the dollar, on all the taxable property of said township, in addition to that now authorized by law, for the purpose of building a town hall and furnishing the same.

SECTION 2. This act shall take effect on its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
482L

[House Bill No. 1868.]

AN ACT

To authorize the council of the city of Canton, Ohio, to issue bonds, to pay the outstanding indebtedness of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Canton, Ohio, be and it is hereby authorized to issue and sell the bonds of said city in the sum of forty thousand dollars ($40,000.00), bearing interest not exceeding six per cent. per annum, payable semi-annually, and of denominations not less than $1,000.00 each, made payable at such times as said council may prescribe, but not less than four (4) nor more than ten (10) years from date of issue. Said bonds shall not be sold for less than par, and the proceeds derived therefrom shall be used for the purpose of paying the present floating debts of said city, consisting of sundry orders made, and claims created, by the council from time to time in the past against its treasurer in excess of the money on hand at the time of their several issues.

SECTION 2. For the purpose of paying said bonds and the interest thereon, as they may become due, the city council of said city is hereby authorized to levy a tax not exceeding one-half mill per annum upon all of the taxable property, both real and personal, of said city in addition to the amount otherwise allowed by law, to be collected as other taxes; and the money so collected shall be used for the payment of said bonds and the interest thereon, and shall not be used for any other purpose.

SECTION 3. If there be any balance from the proceeds of the sale of said bonds over and above what is necessary for the purpose hereinbefore set forth, the same shall be deposited to the general expense fund of said city, and shall be used for such purposes as the council may from time to time prescribe by ordinance.

SECTION 4. Before the said council shall have authority to issue bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said city, at a regular or special election held for that purpose; such election shall be held in the same manner and at the places where elections are usually held in said city, notice thereof shall be given by publication in two newspapers of opposite politics, printed and of general circulation in said city, for two consecutive weeks prior to said election; those electors who favor the issue of such bonds and a levy of such tax, shall have written or printed on their ballots the words, "Issue of bonds and levy—Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words, "Issue of bonds and levy—No;" and if a majority of the votes cast at such election are in favor of the issue of such bonds, the council of such city shall be authorized to issue said bonds and make said levy for the purpose aforesaid.

SECTION 5. This act shall take effect and be in force from and after its passage.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Passed May 4, 1891.
483L

# JOINT RESOLUTIONS.

## EXTRAORDINARY SESSION.

[House Joint Resolution No. 57.]

JOINT RESOLUTION

Relative to a committee to wait upon the governor.

*Resolved by the General Assembly of the State of Ohio*, That a committee consisting of five members on the part of the house and three on the part of the senate, be appointed to wait upon the governor of the state and inform him that the two houses have met in extraordinary session pursuant to his proclamation under date of October 6th, A. D. 1890, and are ready to receive any communication he may be pleased to present.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted October 17, 1890.

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[House Joint Resolution No. 58.]

JOINT RESOLUTION

Relative to requesting the attorney-general to investigate the use of foreign meats in the institutions of the state.

WHEREAS, It is publicly charged that the law passed by this general assembly, April 25th, 1890, entitled "An act to compel directors, boards, superintendents, managers and stewards of the penal, reformatory, charitable and benevolent institutions to purchase native live stock for food consumption," is being violated in several of said institutions; therefore,

*Resolved*, That the attorney-general of the state be and is hereby required to examine into such charges as may come to his knowledge and take such action as may be calculated to secure the proper enforcement of the law and the punishment of its violators.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted October 21, 1890.

[House Joint Resolution No. 60.]

JOINT RESOLUTION

Relative to the death of Justice Samuel F. Miller.

WHEREAS, In the death of Samuel F. Miller, one of the justices of the supreme court of the United States, the nation is called to mourn for the loss of a distinguished jurist long in the service of his country; a man of unblemished personal character and undisputed integrity; therefore, be it

*Resolved*, That we extend to the family of the deceased our deepest sympathy, and as a mark of our respect, order the flag on the state-house placed at half-mast on the day of the funeral.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted October 21, 1890.

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[Senate Joint Resolution No. 34.]

JOINT RESOLUTION

Relative to appointing a committee to investigate the charges against the municipal government of the city of Cincinnati.

*Be it resolved by the General Assembly of the State of Ohio*, That a select joint committee of five, consisting of two members on the part of the senate and three on behalf of the house of representatives, be appointed to investigate fully the matter of municipal reform in the government of the city of Cincinnati, and to report to the next session of the general assembly the result of the investigation, together with such recommendations and proposed legislation as they may deem advisable.

*And be it further resolved*, That a further joint committee of four, composed of two senators to be named by the president of the senate and two members of the house of representatives, to be named by the speaker of the house (the committee to be equally divided between the two leading political parties). be and is hereby appointed, for the purpose, and are authorized, directed and required to fully enquire into the conduct and management of different departments of the municipal government of the city of Cincinnati including the city council, and also the officers composing or having control of said different departments, and for this purpose may go back and examine into the past conduct and management of said departments and city council to the extent that said committee may deem advisable, and for said purpose, is authorized to take testimony and send for persons and papers and require the production thereof, and employ a stenographer, and may sit in any place in this state, during the adjournment of this general assembly, and shall report the evidence together with their findings to this general assembly at the adjourned session thereof, together with such recommendations and and suggestions as they may deem proper and advisable in the premises for the information of this general assembly.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

W. V. MARQUIS,
*President of the Senate.*

Adopted October 24, 1890.

*Resolved*, That the governor be required to forward a copy of these resolutions to each of our senators and representatives in congress.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted February 3, 1891.

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[Senate Joint Resolution No. 24.]

JOINT RESOLUTION

**Relative to reporting on joint rules for the government of the senate and house.**

*Be it resolved by the General Assembly of the State of Ohio*, That a committee of two on the part of the senate and three on the part of the house be appointed to report joint rules for the government of the two houses.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted February 3, 1891.

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[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

**Relative to regulating pension fees as paid the pension attorneys.**

WHEREAS, The fee now authorized by law to be paid by applicants for pension, to pension attorneys, viz: $25.00 for original pensions and $10.00 for an application for an increase is in the judgment of this general assembly an unreasonable allowance for the amount of labor necessary to be performed by said agents, in the collection of pensions; therefore,

*Be it resolved by this General Assembly of the State of Ohio*, That our senators and representatives in congress are most respectfully, but earnestly requested to use their influence to secure the passage of a law so that in no case shall the compensation to be paid pension attorneys exceed $10.00 for the collection of original pension and not more than $5.00 for application for an increase and re-rating of pensions to be paid only when such pension has been allowed.

*Resolved*, That the governor be requested to forward a copy of these resolutions to each of the senators and representatives in congress.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted February 3, 1891.

[House Joint Resolution No. 73.]

JOINT RESOLUTION

Relative to the completion of the roster of Ohio soldiers.

WHEREAS, In the year 1884, the general assembly of Ohio, adopted senate joint resolution No. 26 authorizing the publication in book form of the complete roster of all the regiments or parts of regiments furnished by Ohio in the war of 1812, the war with Mexico, and the war of the rebellion, said publication to contain the main items of the record of each officer and soldier, so far as the same is attainable from the rolls in the adjutant-general's office in the war department at Washington; and,

WHEREAS, This work has progressed measurably satisfactorily it seems up to the 10th volume, exclusive of volume 1, but since that time no other has been issued; and,

WHEREAS, There is a great demand for volume 1 which is to contain the records of the three months troops and the cavalry organization, and volume 11 which will contain the records of the war of 1812 and the war with Mexico; and,

WHEREAS, It appearing that after repeated endeavors made by the adjutant-general, both by correspondence and personal visits to Washington [that] the data required and now on file in the adjutant-general's office at Washington can not be obtained for the reason that the secretary of war has declined to furnish said data in view of the dilapidated condition of the rolls and records of the volunteer army, caused by the constant handling to which they have been subjected during the past 25 years; and,

WHEREAS, Volume 1 and volume 11 can not be completed without this data; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That the members of congress from said state of Ohio, be and are hereby requested to take such action in the premises as will place said data at the disposal of the adjutant-general of Ohio, that the said roster of Ohio soldiers may be completed at the earliest possible date.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted February 5, 1891.

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[House Joint Resolution No. 70.]

JOINT RESOLUTION

Relative to investigating the management of the Ohio penitentiary.

*Be it resolved by the General Assembly of the State of Ohio*, That a joint committee of four composed of two senators, to be named by the president of the senate, and two members of the house of representatives, to be named by the speaker of the house (the committee to be equally divided between the two leading political parties), be and is hereby appointed, for the purpose, and are authorized, directed and required to fully inquire into the conduct and management of the Ohio penitentiary, including the

administration of the parole law by the board of managers, and also of the officers of said institution, and for this purpose may go back and examine into the past conduct and management of said penitentiary to the extent that said committee may deem advisable, and for said purposes is authorized to take testimony and send for persons and papers and require the production thereof, and employ a stenographer, and shall sit in the city of Columbus, and shall report the evidence together with their findings to this general assembly within thirty days from their appointment and organization, together with such recommendations and suggestions as they may deem proper and advisable in the premises for the information of this general assembly.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted February 5, 1891.

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[House Joint Resolution No. 75.]

JOINT RESOLUTION

Relative to the death of Hon. William Windom.

*Be it resolved by the Sixty-ninth General Assembly of the State of Ohio*, That we have heard with feelings of profound sorrow of the sudden death of Hon. William Windom, secretary of the treasury; and that in his death the nation is called upon to mourn the loss of one of its most distinguished citizens and statesmen, long in the service of his country, a man of the purest personal character and unquestioned integrity, and who by his services and citizenship has reflected dignity and credit upon Ohio, his native state.

*Resolved*, That we extend to the family of the deceased our deepest sympathy, and as a mark of respect, order the flag on the state-house to be placed at half-staff on the day of the funeral.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted February 12, 1891.

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[Senate Joint Resolution No. 42.]

JOINT RESOLUTION

Relative to the appointing a committee to visit Sandusky, Ohio, to inquire into damages done to fish-nets in the lake near there.

WHEREAS, The general assembly of the state of Ohio passed an act April 15, 1889, prohibiting fishing in the waters of Lake Erie with gill-nets in less than sixty feet of water; imposing a tax for the use of any and all kinds of nets fished in the waters of said lake; and,

WHEREAS, By the passage of said act a large number of the fishermen in said lake were barred out from fishing, and those who did fish with such nets in less than the designated depth of water, without paying said

tax, had a portion of their nets taken up and destroyed by the state warden of said lake; and,

WHEREAS, Said fishermen feel that the state is justly indebted to them to the amount or value of their nets so destroyed by the said warden, by virtue of said act, thus discriminating against one class of fishermen in favor of another, and imposing an unjust tax for the use of their nets; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That a joint committee, consisting of three members on the part of the senate, to be appointed by the president of the senate, and three members of the house, to be appointed by the speaker of the house, meet in Sandusky, Ohio, at an early date to investigate and inquire into the actual loss to said fishermen by having their nets so taken up and destroyed by the lake warden, and report their findings to this general assembly.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*

PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted February 13, 1891.

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[ House Joint Resolution No. 81.]

JOINT RESOLUTION

Relative to the death of William T. Sherman.

WHEREAS, The general assembly of the state of Ohio has heard with deep sorrow of the death of General William Tecumseh Sherman, one whose life has reflected honor on this his native state as one of the grandest types of American citizenship and as one of the greatest soldiers ever produced by the American continent; whose ability as a commander and leader of armies has won him the admiration of the world, and whose inflexible devotion to the cause of a united government and the supremacy of the civil law, has endeared him to the hearts of the people of this broad and freedom-loving land; and,

WHEREAS, We recognize that in his death our country loses one whose name is a synonym for bravery, honesty and patriotism, and one whose loss while it affects with sorrow all our people, is more deeply felt by the remnants of that gallant band that marched with him from Atlanta to the sea; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That out of respect for his memory, the flags on the staffs of the state-house be placed at half-staff, and that the proper emblems of mourning be placed upon the state-house to remain until after the funeral;

*Be it further resolved*, That the president of the senate and the speaker of the house, together with six members on the part of the senate, to be appointed by the president of the senate, and nine members on the part of the house, to be appointed by the speaker of the house, act as a committee to escort the funeral party through this his native state; and,

*Be it further resolved*, That the governor of the state be requested to forward a copy of these resolutions to the family of the late General Sherman.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted March 2, 1891.

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[House Joint Resolution No. 82.]

JOINT RESOLUTION

Relative to appointing a committee to superintend draping in black the rotunda of the capitol.

*Be it resolved by the General Assembly of the State of Ohio*, That a committee of two, one on the part of the senate and one on the part of the house, be appointed to superintend draping in black the rotunda of this capitol in memory of the late General Sherman.

*Resolved, further*, That Hon. J. D. Beaird be said committee on the part of the house, and that the senate be empowered to appoint the other member on the part of the senate.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted March 2, 1891.

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[House Joint Resolution No. 48.]

JOINT RESOLUTION

Relating to an estimate and survey of the Ohio canal from Portsmouth, on the Ohio river, to Cleveland, on Lake Erie, for the purpose of ascertaining the practicability of having the same made into a ship canal by the general government of the United States.

*Resolved by the General Assembly of the State of Ohio*, That our senators and representatives in congress be and they are hereby respectfully and earnestly requested to take such action as will result in the passage of a resolution directing to be made an estimate and survey of the Ohio canal from the city of Portsmouth, on the Ohio river, to the city of Cleveland, on Lake Erie, and from the city of Cleveland to Dresden, on the Muskingum river, and thence down the Muskingum river to Marietta, and of the Miami and Erie canal from Toledo to Cincinnati, for the purpose of ascertaining the practicability of having either or both of the same made into a ship canal by the general government of the United States, connecting the Ohio river and the great lakes.

*Resolved*, That the governor be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted March 10, 1891.

[House Joint Resolution No. 74.]

JOINT RESOLUTION

Relative to authorizing the adjutant-general to loan to Tod post, No. 29, G. A. R., of Youngstown, Ohio, tents and arms for a celebration on July 4th, 1891.

*Resolved by the General Assembly of the State of Ohio*, That the adjutant-general be and he is hereby authorized to loan to Tod post, No. 29, department of Ohio, G. A. R., of the city of Youngstown, Ohio, for use in the commemoration and patriotic celebration in that city of July 4th, 1891, such tents, arms, and accoutrements as may be, without public detriment, temporarily spared from the state arsenals; provided, however, that said officer shall first require and receive a bond running to the state of Ohio, and in such sum as he may deem sufficient to secure the speedy and safe return in an uninjured condition of the military equipments so loaned under authority of this joint resolution.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted March 10, 1891.

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[House Joint Resolution No. 83.]

JOINT RESOLUTION

Relative to appointing delegates to attend the commercial congress to be held at Kansas City, April 15, 1891.

WHEREAS, The legislature of the state of Kansas has, by joint resolution, requested that there be held at Kansas City on the 15th day of April, 1891, a commercial congress to consist of the states west of the Mississippi river, and of the states of Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, and Illinois, to consider important commercial and economic interests; therefore,

*Be it resolved*, That the governor be and is hereby requested to appoint from the members of the present legislature four senators, two from each of the two leading political parties, and six from the house of representatives, three each from the two leading political parties, as delegates to said commercial congress.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted March 6, 1891.

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[House Joint Resolution No. 90.]

JOINT RESOLUTION

To correct an error in the engrossment of H. B. No. 1105.

*Be it resolved by the General Assembly of the State of Ohio*, That the secretary of state is hereby requested to return H. B. No. 1105, Mr. McKelvey,

for the purpose of correcting an error resulting from incorrectly re-engrossing said bill.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted March 13, 1891.

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[House Joint Resolution No. 79.]

JOINT RESOLUTION

Authorizing and directing the appointment of a committee to make an examination of the sanitary condition of the state-house, and report to this general assembly.

*Be it resolved by the General Assembly of the State of Ohio*, That there shall be appointed a joint committee consisting of four members of the house of representatives to be named by the speaker, three members of the senate to be named by its president, the secretary of the state board of health, the chief inspector of workshops and factories and the state-house engineer, to examine and to inquire into the sanitary condition of the state-house and to make a complete report in detail to this general assembly of the result, together with such recommendations as they may deem necessary to place the state-house in a good sanitary condition. The said committee shall proceed to make such sanitary examination as soon as possible, and are hereby authorized to incur such expense as may be necessary to make an accurate, complete and thorough examination and report of the sanitary condition of the state-house.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted March 17, 1891.

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[House Joint Resolution No. 89.]

JOINT RESOLUTION

Relative to distributing copies of Howe's Historical Collections of Ohio.

*Resolved by the General Assembly of the State of Ohio*, That the 1,200 copies of Howe's Historical Collections of Ohio, purchased in accordance with senate joint resolution No. 26, adopted April 25, 1890, shall be distributed as follows: To each member of the 69th general assembly four copies of each volume; to each of the state institutions one copy of each volume; that the commissioners of the state library be authorized to use such portion of the remaining volumes as may be necessary to enable such commissioners to make exchange with other state libraries. The remaining volumes to be retained by the state librarian, subject to future action of the general assembly.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted March 17, 1891.

[Senate Joint Resolution No. 44.]

JOINT RESOLUTION

**Relative to distribution to members and other officers herein named railroad maps.**

*Be it resolved by the General Assembly of the State of Ohio*, That there be bound in pocket edition form, out of the railroad maps now in the hands of the commissioner of railroads and telegraphs, for each member of this general assembly ten (10) copies, for the commissioner two hundred and fifty (250) copies; also that there be mounted on pasteboard of such maps, for each member of this general assembly ten (10) copies, for the commissioner two hundred and fifty (250) copies. And that these maps be distributed, as above set forth, to the members of this general assembly, by the commissioner of railroad and telegraphs.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Adopted March 20, 1891.

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[House Joint Resolution No. 91.]

JOINT RESOLUTION

**Authorizing the governor of the state of Ohio to receive and receipt for moneys due said state from the general government of the United States on account of repayment of the direct tax.**

WHEREAS, By an act of congress, approved March 3, 1891, entitled "An act to credit and pay to the several states and territories and the District of Columbia all moneys collected under the direct tax levied by the act of congress approved August 5, 1861," a sum of money was appropriated to the several states for the purposes set forth in said act; and

WHEREAS, Said act contains the following provisions: "But no money shall be paid to any state or territory until the legislature thereof shall have accepted, by resolution, the sum herein appropriated and the trusts imposed, in full satisfaction of all claims against the United States, on account of the levy and collection of said tax, and shall have authorized the governor to receive said money for the use and purposes aforesaid." Now, therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That the legislature of said state of Ohio hereby accepts the amount found to be due said state under the provisions of said act, in full satisfaction of all claims which said state of Ohio may have against the United States on account of the levy and collection of said tax; and be it further

*Resolved*, That the governor of the state of Ohio is hereby authorized to receive and receipt in full for said money, in accordance with the foregoing resolution.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*

WM. VANCE MARQUIS,
*President of the Senate.*

Adopted March 25, 1891.

[Senate Joint Resolution No. 47.]

JOINT RESOLUTION

**Relative to expressing thanks to parties herein named for kindness received.**

WHEREAS, On the occasion of the funeral of General Sherman at St. Louis, a committee was appointed to represent the senate and house of the Ohio legislature; and,

WHEREAS, Said committee was most cordially received and hospitably entertained by Governor Francis, of Missouri, and the Mercantile club of the city of St. Louis; and,

WHEREAS, The committee desires to express in a public manner its appreciation of the kind friendliness and hospitality of its entertainers; therefore,

*Be it resolved*, That the senate and house of representatives of the Ohio legislature, do hereby extend a vote of thanks to Governor Francis and the members of the Missouri legislature, to the officers and members of the Mercantile club of St. Louis, and personally to Judge F. M. Sterrett and Messrs. Flavin and Hogan of said club for their generous and hospitable treatment of the official representatives of the legislature and executive departments of our state government.

*Resolved*, That an engrossed copy of this joint resolution, signed by the presiding officers of the house and senate, by the executive, by the official committee of the house and senate, and under the seal of the state of Ohio, be sent to Governor Francis, to the Mercantile club and to Judge F. M. Sterrett, of St. Louis, Missouri, and also be spread upon the journals of the house and senate of this 69th general assembly.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

**Adopted March 27, 1891.**

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[Senate Joint Resolution No. 45.]

JOINT RESOLUTION

**Authorizing the superintendent of the Columbus insane asylum to receive as an inmate William Williams.**

WHEREAS, William Williams, of Muskingum county, Ohio, is insane and

WHEREAS, He is confined in the county infirmary of Muskingum county, Ohio, where proper care and attention can not be given suitable to his condition; and

WHEREAS, Under the statutes now in force in the state of Ohio, the said William Williams is ineligible to admission to any insane asylum in this state for the reason that he is not a legal resident of this state; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the superintendent of the Columbus asylum for the insane be and he is authorized and required to receive said William Williams as an inmate of said asylum.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted March 31, 1891.

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[House Joint Resolution No. 93.]

JOINT RESOLUTION

Relative to investigating the water of the Ohio river.

WHEREAS, The water supply of the towns and cities of the state bordering on the Ohio river is rendered impure and unhealthful by the sewerage and excreta emptied into the stream from the numerous cities upon both sides of the river; and

WHEREAS, In consequence of this pollution a scourge of diphtheria and typhoid fever has swept over many of our cities in eastern Ohio, resulting in much sickness and death; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That the state board of health be requested to prepare a report to be submitted to the general assembly as to the sources of greatest danger from the causes above recited and also what investigation would be required and what action should be taken, in order to secure a purer water supply for the people of the river counties.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted April 8, 1891.

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[House Joint Resolution No. 98.]

JOINT RESOLUTION

Relative to requesting the auditor of state to make a statement of the condition of the general revenue, sinking and common school funds.

WHEREAS, The governor of the state of Ohio has by special message called attention of the general assembly to the critical condition of the general revenue fund since 1885, and has attached to his message a statement of the treasurer of state; and,

WHEREAS, Said message recommends that the strained condition of the general revenue fund be relieved by placing therein a portion of the money received from the government of the United States in repayment of the direct tax; and,

WHEREAS, The auditor of state, notwithstanding the condition stated in said message, has recommended that the fund received from the general government be divided among the counties of the state; therefore,

*Be it resolved*, That the auditor of state be and is hereby requested to furnish a statement, including receipts and disbursements in each year, of the condition of the general revenue, sinking and common school funds since 1880, ending each year on February 15; and also any reason why said money received from the general government could, at this time without danger to the credit of the state, be divided among the counties thereof.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted April 15, 1891.

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[Senate Joint Resolution No. 43.]

JOINT RESOLUTION

**Authorizing and directing the governor to appoint a board of trustees for societies herein named.**

*Be it resolved by the General Assembly of the State of Ohio*, That the governor is hereby authorized and directed to appoint as members of the board of trustees of the Ohio archæological and historical society, six (6) persons serve without compensation as follows: Two for the term of one year, for the term of two years, and two for the term of three years, from 9th day of February, 1891, and annually thereafter to appoint two persons on said board for the term of three years, but said appointments shall not bind the state to make annual appropriations for said society.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted April 16, 1891.

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[House Joint Resolution No. 88.]

JOINT RESOLUTION

**To authorize the secretary of state to contract for the publication of certain volumes of the Ohio state reports.**

*Be it resolved by the General Assembly of the State of Ohio*, That the secretary of state is hereby authorized to contract with some responsible person or firm, within this state, to furnish the material and to print and bind a sufficient number of volumes 49 and 50 of the Ohio state reports to supply the state with three hundred and fifty copies of each of such reports, and the demand of the citizens of this state with such copies as may be desired by them. Such contract shall be made subject to the provisions of section 437 of the Revised Statutes of Ohio, as amended January 17, 1881 (78v. 14), as to cost and otherwise; and the contract price shall include delivery, free to the state, at the city of Columbus, of the three hundred

and fifty copies of each volume, so authorized to be contracted for, and also delivered free to any other purchaser at any point within this state.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted April 17, 1891.

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[House Joint Resolution No. 99.]

JOINT RESOLUTION

Relative to keeping the state law library and state library open certain hours during each day.

*Be it resolved by the General Assembly of the State of Ohio*, That the state law library and state library be kept open continuously at least between the hours of eight o'clock a. m. and six o'clock p. m. of each day during the year except Sundays and legal holidays and the state law librarian and state librarian are hereby directed and required to see that the provisions of this resolution are observed.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
PERRY M. ADAMS,
*President pro tem. of the Senate.*

Adopted April 17, 1891.

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[House Joint Resolution No. 100.]

JOINT RESOLUTION

Providing for printing 10,000 copies of the Ohio census report.

*Be it resolved by the General Assembly of Ohio*, That the state supervisor of public printing be and he is hereby authorized to have printed ten thousand copies of the census report of Ohio, as prepared by the secretary of state, the expense of the same to be paid out of the funds of the supervisor of printing appropriated for printing and binding. Said reports, when printed, shall be distributed in equal proportion to the members of the general assembly.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted April 23, 1891.

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[Senate Joint Resolution No. 39.]

JOINT RESOLUTION

Relative to authorizing the state printer to do certain work herein named.

*Be it resolved by the General Assembly of the State of Ohio*, That the supervisor of state printing be and is hereby directed to have printed and

bound ten thousand extra copies of that part of the report of the Ohio state university, known as the catalogue of said university, the printing to be done on the best quality of book paper used by the state and the catalogues to certain [contain] cuts of the buildings of the university, provided, however, that the cuts shall be furnished by the board of trustees of the university.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted April 24, 1891.

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[Senate Joint Resolution No. 49.]

JOINT RESOLUTION

Relative to the safety of railroad employes.

WHEREAS, From the last published statistics of the railways in the United States, being for the year ending June 30, 1889, it appears that 300 employes were killed and 6,757 injured in that year in coupling and uncoupling cars, being fifty-six per cent. of all the accidents happening to train men, and practically all these accidents can be avoided by the adoption of uniform automatic couplers for freight cars; and

WHEREAS, 558 employes were killed and 2,307 injured by overhead obstructions or by falling from trains and engines, being twenty-three per cent. of all the accidents happening to train men, and a large proportion of these accidents would be avoided by the adoption of the train brake on freight trains; and

WHEREAS, The regulation of couplers and of train brakes upon freight cars is of pressing importance, and is within the proper scope of the powers of the congress of the United States, while action by the individual states on these subjects has produced and must continue to produce conflicting and unsatisfactory results; and

WHEREAS, At the convention of railroad commissioners lately held in Washington at the rooms of the inter-state commerce commission, a resolution was unanimously adopted providing for the appointment of a committee of five to appear before congress as soon as possible after the opening of its next regular session, and urge the passage of measures calculated to insure and hasten the adoption of uniform automatic couplers and train brakes upon freight cars and of driving-wheel brakes on engines;

*Resolved*, That the general assembly of the state of Ohio, approving of the action of said conference, do most respectfully and earnestly urge upon congress the consideration of the foregoing subjects, to the end that the consummation which all desire may be reached with the utmost reasonable speed; and especially do we urge upon our own representatives in congress to join energetically in promoting wise, speedy and effective action.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted April 24, 1891.

[Senate Joint Resolution No. 53.]

JOINT RESOLUTION

Relative to the control and care of Fort Ancient.

*Resolved by the General Assembly of the State of Ohio*, That the care and control of Fort Ancient shall be vested in the board of trustees of the Ohio archæological and historical society, who shall hold the lands and property thereon subject to such use as the general assembly may by law direct.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted April 24, 1891.

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[Senate Joint Resolution No. 54.]

JOINT RESOLUTION

Relative to the encampment of the Ohio national guard.

*Be it resolved by the General Assembly of the State of Ohio*, That the adjutant-general of the state of Ohio, be and is hereby directed to require the different regiments of the national guard of the state of Ohio, to encamp at the annual encampment in the year 1891, within the regimental territorial limits of their respective regiments. Such territorial limits to include the counties in which the several companies of the respective regiments are located.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted April 24, 1891.

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[House Joint Resolution No. 63.]

JOINT RESOLUTION.

Proposed amendment to the constitution of Ohio.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio*, That a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1891, to amend section 2, of article XII., of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XII.

Sec. 2. Laws may be passed which shall tax by a uniform rule all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and all real and personal property according to the true value thereof in money. In addition thereto, laws may be passed taxing rights, privileges, franchises, and such other subject matters as the legislature may direct; but burying-grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and other property, may, by

general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.

SECTION 2. At such election, those electors desiring to vote for such amendment may have placed upon their ballots the words "Taxation amendment—Yes," and those opposed to such amendment may have placed upon their ballots the words "Taxation amendment—No."

SECTION 3. This amendment shall take effect on the first day of January, 1892.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted April 24, 1891.

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[Senate Joint Resolution No. 46.]

JOINT RESOLUTION

Relative to adjourning the 69th general assembly on the 4th day of May.

*Resolved by the General Assembly of the State of Ohio*, That the 69th general assembly shall adjourn sine die on Monday, the 4th day of May, 1891, at 12 o'clock, m.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted May 1, 1891.

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[Senate Joint Resolution No. 48.]

JOINT RESOLUTION

Relative to asking the commissioner of marsh lands to have marsh lands surveyed.

WHEREAS, By the act of congress passed Sept. 28, 1850, the title to all swamp and overflow lands unsold in the state of Ohio was vested in said state; and

WHEREAS, Large tracts of such lands in Lucas and other counties of this state where [were] in 1850 and still are swamp and overflow lands and unsurveyed; and

WHEREAS, Those lands are now of much value to the state; now, therefore, be it

*Resolved*, That the canal commission be and hereby is authorized and instructed to cause all such lands in the state of Ohio to be surveyed and plats of the same made and filed with the auditor of state.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted May 4, 1891.

[Senate Joint Resolution No. 60.]

JOINT RESOLUTION

Relative to an official register of the state of Ohio.

*Resolved*, That the clerk of the Senate be authorized and directed to prepare an official register of all persons, boards and commissions holding office under the state government, with a list of members of congress, cabinet officers from Ohio, presidential electors, constitutional conventions, territorial and state legislatures, presidents pro tem., clerks and sergeants-at-arms of the senate, speakers, speakers pro tem., clerks and sergeants-at-arms of the house, and all other state boards of trustees, managers, directors, etc., along with the statutory and constitutional provisions governing each department of the state government, from the date of organization of the North-west territory to the close of the present session of the general assembly.

*Resolved*, That the same so prepared be printed in the appendix of the journal of the Senate and House.

*Resolved*, That there be paid to the clerk of the senate for employing the necessary clerical assistance, on the order of the speaker of the house and president of the senate respectively, seventy-five dollars out of the contingent fund of the house and seventy-five dollars out of the contingent fund of the senate.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted May 4, 1891.

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[House Joint Resolution No. 84.]

JOINT RESOLUTION

Relative to authorizing the binding of 600 copies of the adjutant-general's report.

*Be it resolved by the General Assembly of the State of Ohio*, That the supervisor of public printing, be and is hereby directed to cause to be bound in cloth six hundred (600) copies of the annual report of the adjutant-general of the state for the year 1890.

A. C. ROBESON,
*Speaker pro tem. of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted May 4, 1891.

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[House Joint Resolution No. 102.]

JOINT RESOLUTION

Relative to directing the secretary of state to print slips herein named.

*Resolved by the General Assembly of the State of Ohio*, That the secretary of state be, and he hereby is directed to prepare and cause to be printed,

within ten days after the adjournment of this general assembly, five thousand slips, or folders showing thereon all sections of the Revised Statutes, which have been amended, supplemented or repealed during this session, and that he furnish each member of the general assembly with thirty copies thereof.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted May 4, 1891.

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[House Joint Resolution No. 103.]

JOINT RESOLUTION

Relating to the distribution of Australian ballot law.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be instructed to print 30,000 copies of the substitute for senate bill No. 373, known as the Australian ballot law, and that 200 of each be forwarded by the secretary of state to the address of each member of the general assembly.

NIAL R. HYSELL,
*Speaker of the House of Representatives.*
WM. VANCE MARQUIS,
*President of the Senate.*

Adopted May 4, 1891

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STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, DANIEL J. RYAN, Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the General Assembly of said State, and that the same are true copies, copied from the original rolls on file in this office, of the acts passed and the joint resolutions adopted by the Sixty-ninth General Assembly of the State of Ohio, at its extraordinary session, begun October 14, 1890, and ended October 24, 1890, and at its adjourned session, begun January 6, 1891, and ended May 4, 1891, and held in the city of Columbus.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 1st day of July, A. D. 1891.

[SEAL]

DANIEL J. RYAN,
*Secretary of State.*

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1891.

| Counties. | County Seats. | Circuits. | Circuit Courts. | Districts. | Subdivisions. | Common Pleas Courts. |
|---|---|---|---|---|---|---|
| Adams | West Union | 4 | April 1, Nov. 12 | 5 | 1 | Jan. 13, May 5, Oct. 6. |
| Allen | Lima | 3 | June 1, Nov. 16 | 3 | 1 | Feb. 2, May 4, Nov. 9. |
| Ashland | Ashland | 5 | April 14, Nov. 10 | 6 | 2 | March 2, Oct. 5, Nov. 30. |
| Ashtabula | Jefferson | 7 | March 3, Oct. 13 | 9 | 3 | Jan. 12, March 17, Oct. 26. |
| Athens | Athens | 4 | Jan. 21, Sept. 28 | 7 | 3 | Feb. 9, April 27, Oct. 12. |
| Auglaize | Wapakoneta | 3 | May 18, Nov. 23 | 3 | 1 | Jan. 5, April 13, Sept. 7. |
| Belmont | St. Clairsville | 7 | June 16, Dec. 15 | 8 | 2 | Feb. 3, May 5, Oct. 20. |
| Brown | Georgetown | 4 | April 7, Nov. 16 | 5 | 1 | Jan. 27, May 12, Oct. 20. |
| Butler | Hamilton | 1 | April 13, Oct. 12 | 2 | 1 | Jan. 12, May 4, Oct. 26. |
| Carroll | Carrollton | 7 | Feb. 3, Sept. 23 | 9 | 1 | Feb. 16, May 18, Nov. 9. |
| Champaign | Urbana | 2 | April 20, Nov. 4 | 2 | 2 | Jan. 12, May 4, Oct. 5. |
| Clark | Springfield | 2 | June 1, Dec. 7 | 2 | 3 | Jan. 12, May 4, Oct. 12. |
| Clermont | Batavia | 1 | April 6, Oct. 5 | 5 | 1 | Jan. 20, May 19, Oct. 13. |
| Clinton | Wilmington | 1 | May 4, Nov. 2 | 2 | 3 | Jan. 5, May 4, Oct. 12. |
| Columbiana | New Lisbon | 7 | Jan. 20, Sept. 17 | 9 | 1 | Feb. 2, May 4, Oct. 5. |
| Coshocton | Coshocton | 5 | April 28, Nov. 24 | 6 | 3 | Jan. 5, April 6, Sept. 1. |
| Crawford | Bucyrus | 3 | Feb. 10, Oct. 6 | 10 | 2 | Jan. 5, April 6, Sept. 14. |
| Cuyahoga | Cleveland | 8 | Jan. 6, Oct. 12 | 4 | 3 | Jan. 5, April 7, Sept. 21. |
| Darke | Greenville | 2 | April 27, Nov. 9 | 2 | 1 | Jan. 12, May 4, Oct. 12. |
| Defiance | Defiance | 3 | Jan. 27, Sept. 29 | 3 | 2 | Jan. 5, April 6, Sept. 7. |
| Delaware | Delaware | 5 | June 2, Dec. 15 | 6 | 1 | Jan. 5, April 13, Sept. 28. |
| Erie | Sandusky | 6 | May 12, Nov. 17 | 4 | 1 | Jan. 5, April 13, Sept. 7. |
| Fairfield | Lancaster | 5 | Jan. 6, Sept. 8 | 7 | 1 | Jan. 26, April 13, Oct. 19. |
| Fayette | Washington C. H. | 2 | May 18, Nov. 23 | 5 | 2 | Jan. 5, March 2, Oct. 5. |
| Franklin | Columbus | 2 | Jan. 5, Sept. 14 | 5 | 3 | Jan. 5, April 13, Sept. 14. |
| Fulton | Wauseon | 6 | June 1, Nov. 30 | 3 | 3 | March 9, June 1, Nov 30. |
| Gallia | Gallipolis | 4 | Feb. 25, Oct. 20 | 7 | 3 | Jan. 6. April 7, Sept. 15. |
| Geauga | Chardon | 7 | Feb. 24, Sept. 29 | 9 | 3 | Jan. 12, April 13, Oct. 26. |
| Greene | Xenia | 2 | March 19, Oct. 8 | 2 | 3 | Jan. 12, May 4, Oct. 5. |
| Guernsey | Cambridge | 7 | June 9, Dec. 10 | 8 | 1 | Feb. 3, April 14, Oct. 13. |
| Hamilton | Cincinnati | 1 | Jan. 5, Nov. 16 | 1 | – | Jan. 5, April 6, July 6, Oct. 5. |
| Hancock | Findlay | 3 | March 30, Oct. 20 | 10 | 1 | Jan. 26, May 11, Oct. 5. |
| Hardin | Kenton | 3 | March 24, Nov. 10 | 10 | 1 | Jan. 5, April 13, Sept. 7. |
| Harrison | Cadiz | 7 | May 26, Dec. 1 | 8 | 3 | Jan. 6, March 24, Sept. 8. |
| Henry | Napoleon | 3 | Feb. 3, Oct. 1 | 3 | 3 | Jan. 5, March 30, Sept. 14. |
| Highland | Hillsborough | 4 | April 21, Nov. 23 | 5 | 2 | Feb. 2, March 30, Nov. 2. |
| Hocking | Logan | 4 | Feb. 3, Oct. 6 | 7 | 1 | Feb. 9, May 4, Sept. 14. |
| Holmes | Millersburg | 5 | April 21, Nov. 17 | 6 | 3 | Feb. 17, May 5, Oct. 13. |
| Huron | Norwalk | 6 | April 20, Nov. 2 | 4 | 1 | Feb. 16, June 1, Nov. 2. |
| Jackson | Jackson | 4 | June 2, Dec. 18 | 7 | 2 | Feb. 16, May 4, Nov. 16. |
| Jefferson | Steubenville | 7 | May 19, Nov. 24 | 8 | 3 | Feb. 3, April 21, Oct. 6. |
| Knox | Mt. Vernon | 5 | March 10, Oct. 13 | 6 | 1 | Feb. 2, May 4, Nov. 9. |
| Lake | Painesville | 7 | Feb. 10, Oct. 1 | 9 | 3 | Feb. 23, May 4, Nov. 23. |
| Lawrence | Ironton | 4 | March 4, Oct. 27 | 7 | 2 | Feb. 16, May 18, Nov. 9. |
| Licking | Newark | 5 | March 17, Oct. 20 | 6 | 1 | Jan. 12, April 13, Sept. 15. |
| Logan | Bellefontaine | 3 | Jan. 20, Sept. 24 | 10 | 3 | Jan. 5, April 13, Sept. 14. |
| Lorain | Elyria | 8 | April 20, Sept. 28 | 4 | 2 | Jan. 19, April 13, Oct. 12. |
| Lucas | Toledo | 6 | Jan. 5, Sept. 16 | 4 | 1 | Jan. 5, April 7, Sept. 21. |
| Madison | London | 2 | March 16, Oct. 5 | 5 | 3 | Feb. 16, May 4, Oct. 26. |
| Mahoning | Youngstown | 7 | March 17, Nov. 10 | 9 | 2 | Jan. 5, May 4, Sept. 21. |
| Marion | Marion | 3 | Jan. 13, Sept. 16 | 10 | 2 | Feb. 23, May 18, Oct. 19. |
| Medina | Medina | 8 | April 28, Oct. 6 | 4 | 2 | March 16, June 15, Sept. 14. |
| Meigs | Pomeroy | 4 | Feb. 17, Oct. 13 | 7 | 3 | Jan. 6, April 7, Sept. 15. |
| Mercer | Celina | 3 | March 16, Oct. 14 | 3 | 1 | Feb. 23, June 8, Nov. 16. |

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS, ETC.—Concluded.

| Counties. | County Seats. | Circuits. | Circuit Courts. | Districts. | Subdivisions. | Common Pleas Courts. |
|---|---|---|---|---|---|---|
| Miami | Troy | 2 | March 30, Oct. 19 | 2 | 2 | Jan. 12, May 4, Oct. 12. |
| Monroe | Woodsfield | 4 | March 25, Sept. 17 | 8 | 2 | Jan. 6, April 7, Sept. 22. |
| Montgomery | Dayton | 2 | June 15, Dec. 14 | 2 | 2 | Jan. 5, May 4, Oct. 12. |
| Morgan | McConnelsville | 5 | April 8, Nov. 3 | 8 | 1 | March 2, May 11, Sept. 14. |
| Morrow | Mt. Gilead | 5 | May 26, Dec. 8 | 6 | 2 | Feb. 2, May 4, Aug. 31. |
| Muskingum | Zanesville | 5 | March 31, Oct. 27 | 8 | 1 | Jan. 5, April 6, Oct. 13. |
| Noble | Caldwell | 7 | June 2, Dec. 8 | 8 | 1 | Jan. 6, March 24, Sept. 22. |
| Ottawa | Port Clinton | 6 | June 30, Dec. 7 | 4 | 1 | March 2, June 1, Nov. 2. |
| Paulding | Paulding | 3 | May 25, Nov. 30 | 3 | 2 | Feb. 2, May 4, Oct. 12. |
| Perry | New Lexington | 5 | May 19, Sept. 15 | 7 | 1 | Jan. 12, June 1, Nov. 9. |
| Pickaway | Circleville | 4 | April 28, Nov. 30 | 5 | 3 | Jan. 5, March 30. Sept. 14. |
| Pike | Waverly | 4 | May 26, Dec. 15 | 7 | 2 | Jan. 26, April 6, Oct. 12. |
| Portage | Ravenna | 7 | May 12, Nov. 4 | 9 | 2 | Jan. 5, May 4, Sept. 21. |
| Preble | Eaton | 2 | May 11, Nov. 18 | 2 | 1 | Feb. 16, June 8, Nov. 23. |
| Putnam | Ottawa | 3 | April 21, Nov. 5 | 3 | 3 | Jan. 26, April 27, Oct. 19. |
| Richland | Mansfield | 5 | Jan. 13, Sept. 22 | 6 | 2 | March 30, Aug. 31, Nov. 30. |
| Ross | Chillicothe | 4 | May 12, Dec. 8 | 5 | 2 | Jan. 12, April 7, Oct. 5. |
| Sandusky | Fremont | 6 | June 8, Dec. 14 | 4 | 1 | Jan. 5, April 13, Sept. 7. |
| Scioto | Portsmouth | 4 | March 11, Nov. 5 | 7 | 2 | Jan. 5, April 7, Sept. 14. |
| Seneca | Tiffin | 3 | May 5, Dec. 8 | 10 | 1 | Jan. 5, April 13, Oct. 19. |
| Shelby | Sidney | 2 | April 16, Oct. 29 | 3 | 1 | Jan. 5, April 6, Sept. 28. |
| Stark | Canton | 5 | Feb. 17, Oct. 6 | 9 | 1 | Jan. 5, May 4, Sept. 21. |
| Summit | Akron | 8 | April 13, Sept. 16 | 4 | 2 | Jan. 5, May 4, Sept. 21. |
| Trumbull | Warren | 7 | April 14, Oct. 20 | 9 | 2 | Feb. 9, May 25, Oct. 12. |
| Tuscarawas | New Philadelphia | 5 | May 5, Dec. 1 | 8 | 3 | Jan. 13, April 14, Sept. 15. |
| Union | Marysville | 3 | March 3, Sept. 22 | 10 | 3 | Feb. 9, May 25, Nov. 9. |
| Van Wert | Van Wert | 3 | Feb. 16, Oct. 12 | 3 | 1 | Jan. 26, May 11, Oct. 5. |
| Vinton | McArthur | 4 | Feb. 10, Oct. 9 | 7 | 2 | Jan. 5, March 16, Sept. 14. |
| Warren | Lebanon | 1 | April 27, Oct. 26 | 2 | 3 | Jan. 5, May 4, Oct. 12. |
| Washington | Marietta | 4 | Jan. 14, Sept. 21 | 7 | 3 | Feb. 2, May 4, Oct. 12. |
| Wayne | Wooster | 5 | Feb. 3, Sept. 29 | 6 | 3 | March 2, Sept. 7, Nov. 23. |
| Williams | Bryan | 6 | June 3, Dec. 2 | 3 | 2 | March 10, June 2, Nov. 17. |
| Wood | Bowling Green | 6 | March 23, Oct. 19 | 10 | 1 | Feb. 23, May 18, Sept. 7. |
| Wyandot | Upper Sandusky | 3 | March 10, Dec. 2 | 10 | 2 | Jan. 12, June 1, Nov. 16. |

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, DANIEL J. RYAN, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1891, taken from the official lists returned by the judges of said Courts to this office, as amended by an act of the Sixty-ninth General Assembly, passed at its adjourned session.

WITNESS my hand and official seal, this 1st day of July, A. D. 1891.

[SEAL]

DANIEL J. RYAN,
*Secretary of State.*

# APPORTIONMENT

## OF THE STATE OF OHIO FOR MEMBERS OF THE GENERAL ASSEMBLY FOR THE FIFTH DECENNIAL PERIOD.

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In conformity with the provisions of the constitution of the state of Ohio, we, James E. Campbell, governor; Ebenezer W. Poe, auditor of state, and Daniel J. Ryan, secretary of state, have ascertained and determined the ratio of representation in the general assembly according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years within the next ensuing ten years, and do declare the same as follows:

The total population of the several counties of the state by the federal census, as ascertained by us, is three million six hundred and seventy-two thousand three hundred and sixteen. The ratio for a representative is thirty-six thousand seven hundred and twenty-four; and for a senator, one hundred and four thousand nine hundred and twenty-four.

The apportionment for the house of representatives during the fifth decennial period, under the constitution, shall be as follows:

The counties of Ashland, Athens, Auglaize, Allen, Ashtabula, Brown, Champaign, Clermont, Clinton, Coshocton, Crawford, Defiance, Delaware, Darke, Erie, Fairfield, Fayette, Fulton, Gallia, Greene, Guernsey, Hardin, Henry, Holmes, Highland, Huron, Hancock, Jackson, Jefferson, Knox, Lawrence, Logan, Licking, Lorain, Madison, Medina, Meigs, Mercer, Monroe, Morgan, Miami, Noble, Ottawa, Paulding, Perry, Pickaway, Portage, Preble, Putnam, Richland, Ross, Sandusky, Scioto, Shelby, Seneca, Trumbull, Union, Van Wert, Washington, Warren, Williams, Wyandot and Wayne, shall severally be entitled to one representative in each session of the decennial period.

The county of Columbiana shall be entitled to one representative in each session and one additional representative in the first, second and third sessions of the decennial period

The counties of Belmont, Clark, Mahoning and Summit shall severally be entitled to one representative in each session, and one additional representative each in the third and fourth sessions of the decennial period.

The counties of Butler, Muskingum, Tuscarawas and Wood shall severally be entitled to one representative in each session, and one additional representative each in the fifth session of the decennial period.

The county of Stark shall be entitled to two representatives in each session and one additional representative in the fifth session of the decennial period.

The counties of Lucas and Montgomery shall severally be entitled to two representatives in each session and one additional representative each in the first, second and third sessions of the decennial period.

The county of Franklin shall be entitled to three representatives in each session and one additional representative in the fifth session of the decennial period.

The county of Cuyahoga shall be entitled to eight representatives in each session and one additional representative in the third and fourth sessions of the decennial period.

The county of Hamilton shall be entitled to ten representatives in each session of the decennial period.

The counties of Carroll, Morrow, Geauga, Lake, Vinton and Pike having less than one-half of a representative ratio of population, having respectively and severally been attached to the adjoining county having the least number of inhabitants, and until they acquire a sufficient population to entitle them to elect separately shall form representative districts during the decennial period in the manner following, to-wit: The counties of Carroll and Harrison, one district; the counties of Morrow and Marion, one district; the counties of Geauga and Lake, one district; the counties of Vinton and Hocking, one district; the counties of Pike and Adams, one district. Each of said districts, so formed, shall be entitled to one representative in each session of the decennial period.

By the constitution the state is divided into thirty-three senatorial districts, as follows:

The county of Hamilton constitutes the first senatorial district; the counties of Butler and Warren, the second; the counties of Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto and Jackson, the seventh; Lawrence, Gallia, Meigs and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign and Madison, the eleventh; Miami, Darke and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky and Ottawa, the thirtieth; Seneca, Crawford and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam, the thirty-third.

The following senatorial districts, to-wit: The third, the seventh, the eighth, the eleventh, the twelfth, the thirteenth, the twenty-first, the twenty-third, the thirtieth and the thirty-first shall severally be entitled to one senator in each session of the decennial period.

The thirty-second district shall be entitled to one senator in each session and one additional senator in the first, second, third and fourth sessions of the decennial period.

The tenth district shall be entitled to one senator in each session and one additional senator in the third and fourth sessions of the decennial period.

The thirty-third district shall be entitled to two senators in each session and one additional senator in the third and fourth sessions of the decennial period.

The twenty-fifth district shall be entitled to two senators in each session and one additional senator in the first, second, third and fourth sessions of the decennial period.

The first district shall be entitled to three senators in each session and one additional senator in the third and fourth sessions of the decennial period.

The following districts, until they acquire a sufficient population to entitle them to elect separately, shall form districts in the manner following, to-wit: The second and fourth senatorial districts shall form one district, and the district so constituted shall be entitled to one senator in each session and one additional senator in the fifth session of the decennial period.

The fifth and sixth senatorial districts shall form one district, and the district so constituted shall be entitled to one senator in each session and one additional senator in the fifth session of the decennial period.

The ninth and fourteenth senatorial districts, composed of the counties of Athens, Hocking, Fairfield, Washington, Morgan, and part of the counties of Noble and Monroe, shall form one district, and the district so constituted shall be entitled to one senator in each session and one additional senator in the third and fourth sessions of the decennial period.

The fifteenth district, composed of the counties of Muskingum and Perry, and the sixteenth district, composed of the counties of Delaware and Licking, having been annexed at the last preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, shall be entitled to one senator in each session and one additional senator in the third and fourth sessions of the decennial period.

The seventeenth district, composed of the counties of Knox and Morrow, and the twenty-eighth district, composed of the counties of Wayne and Holmes, having in like manner been annexed at a preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, shall be entitled to one senator in each session of the decennial period.

The eighteenth district, composed of the counties of Tuscarawas and Coshocton, and the nineteenth district, composed of the county of Guernsey and part of the counties of Monroe and Noble, having been annexed at the last preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, shall be entitled to one senator in each session and one additional senator in the fifth session of the decennial period.

The twentieth and twenty-second senatorial districts shall form one district, and the district so constituted shall be entitled to one senator in each session and one additional senator in the first, second and third sessions of the decennial period.

The twenty-fourth district, composed of the counties of Ashtabula, Lake and Geauga, and the twenty-sixth district, composed of the counties

of Portage and Summit, having been annexed at the last preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, shall be entitled to one senator in each session and one additional senator in the third and fourth sessions of the decennial period.

The twenty-seventh district, composed of the counties of Lorain and Medina, and the twenty-ninth district, composed of the counties of Ashland and Richland, having in like manner been annexed at a preceding apportionment, and not having acquired sufficient population to entitle them to elect separately, shall be entitled to one senator in each session of the decennial period.

IN TESTIMONY WHEREOF, We have hereunto subscribed our names, and caused the great seal of the state of Ohio to be affixed,
[SEAL] at Columbus, the 13th day of April, A. D. 1891.

JAMES E. CAMPBELL,
*Governor.*

EBENEZER W. POE,
*Auditor of State.*

DANIEL J. RYAN,
*Secretary of State.*

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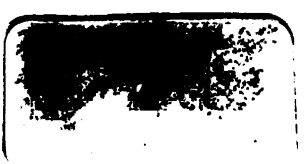
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